

THE
Jesuits Loyalty,

Manifested in Three several

TREATISES

Lately written by them against the

OATH of ALLEGEANCE:

WITH

A PREFACE,

As is shew'd: Woodward

The Pernicious Consequence of their Principles as to Civil Government.

Also Three other Treatises concerning the Reasons of
the Penal Laws. viz.

- I. The Execution of JUSTICE in *England*, not for Religion, but for *Treason*.
 - II. Important Considerations, by the *Secular Priests*.
 - III. The *Jesuits* Reasons Unreasonable.
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L O N D O N,

Printed for R. Royston, Bookseller to His most Sacred
MAJESTY. 1677.

THE
JEHUIS LOYALTY

Manifested in Three Cases

THE
TREASONERS

Being a History of their Crimes

OATH OF ALLEGIANCE

WITH

A
PREFACE

BY

The Treasoners Conference of their Prime
Ministers to Civil Government.

Also the Treasoners Conference of their Prime

Ministers to Civil Government.

I. The Treasoners Conference of their Prime

Ministers to Civil Government.

II. The Treasoners Conference of their Prime

Ministers to Civil Government.

Printed for E. R. R. Bookeller to His most Sacred

MALIBY, 1847.

(1)

TO THE
AUTHORS

Of the following

T R E A T I S E S.

Gentlemen,

I Hope you will forgive me the not setting your Names before this Address, although I am not wholly a stranger to them: for however it be against the usual custome, yet you have reason to take it more kindly from me. I assure you, my design is, not to doe any injury to your Persons, but onely to let you and the world know, we are not altogether unacquainted with your present Principles, or Practices. And although, like the Plague, you walk in darkness, and doe mischief; yet I intend onely to set such marks and characters upon you, that when others see them, they may take the wind of you, and avoid the Infection. It may be, men of your retirement and modesty may be somewhat surpris'd, to see themselves in print against their wills: but I hope you will pardon this presumption, and *absolve* me as soon as I have *confessed* my fault. For it is very agreeable to your Casuistical Theology so to doe, without staying for the performance of *Penance*; and the contrary Doctrine is accounted one of the Heresies of *Janſenism*, which I know you love as

Supplicatio ad
Clem. X.
per Francisc.
Simoni Mogunt.
A.D. 1675.

little as the *Oath of Allegiance*. I find in a *Supplication* to the late Pope *Clement X.* That to assert the necessity of *Penance* before *Absolution*, is to charge the Church with a dangerous *Errour* for four or five of the last Ages, and to revive an *Opinion* condemned by the Head of the Church. (Which are the very same Arguments used in the *First Treatise*, for the Pope's Power of deposing Princes.) You need not therefore wonder, if it be with me as it is with thousands of others, that when *Absolution* may be had at so easy a rate, I presume to offend. If I may be said to offend, in obtaining that for you, which you sometimes sadly complain of the want of, viz. a *Liberty* of printing your *Books*. You may by this see how frankly we deal with you, in that we do not onely suffer, but procure the coming abroad of your most mischievous *Treatises*.

It may be you will be ready to ask me, if I account these *Treatises* such, why I venture to publish them. Because some Poisons lose their force when they are exposed to the open air: And it may doe good to others, to let them understand what *Doses* you give in private to your Patients. We are to hear of nothing from you, but Professions of the utmost *Loyalty* and *Obedience* to *Government*; and that it is nothing but a little squeamish *Scrupulosity* of Conscience which makes any of your stomachs check at the *Oath of Allegiance*: the Ingredients are a little too gross and fulsome for you to get it down; but if they were neatly done up in Pills and gilded over, to prevent the nauseousness of them, you could swallow them all, and they would work kindly with you.

We have been told over and over, that you onely
stick

stick at some inconvenient Phrases and Modes of expression ; but for what concerned any real Security to the Government, you would be as forward and ready to give it, as any of His Majesty's Subjects. If this really were the Case, you deserved both to be pitied and considered. But we thank you, *Gentlemen*, for the pains you have taken in these *Treatises*, to make us understand that this is not your Case. For it is easy to discern by them, what lies at the bottom of all, *viz. the unwillingness to renounce the Pope's Power of deposing Princes*. Which the *Authour* of the *First Treatise*, like an open plain-hearted man, avows and maintains : and the other two more craftily insinuate. I shall therefore deal freely with you in this matter, by endeavouring to prove these two things.

1. That if you do not renounce *the Pope's Power of Deposing Princes, and Absolving Subjects from their Allegiance*, you can give no real Security to the Government.

2. That if you do renounce it, you have no reason to stick at the *Oath of Allegiance*.

I. That if you do not renounce *the Pope's Power of Deposing Princes, and Absolving Subjects from their Allegiance*, you can give no real Security to the Government. I shall not insist on any of the beaten Topics to prove this ; but onely make use of this Argument, That it is allowed by all Friends to our King and His Government, that the *Commonwealth-Principles* are destructive to it, and that none who do own them can give sufficient Security for their *Allegiance*. If I therefore prove, that all the mischievous Consequences of the *Republican Principles* do follow upon the owning the *Pope's Power of de-*

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posing

posing Princes, I suppose you will grant I sufficiently prove what I intend.

Now the Mischief of the *Commonwealth-Principles* lay in these things: 1. Setting up a Court of Judicature over Sovereign Princes; 2. Breaking the Oaths and Bonds of *Allegiance* men had entred into; 3. Justifying Rebellion on the account of *Religion*. Every one of these I shall prove doth naturally follow from the *Pope's Power of deposing Princes*.

1. Setting up a *Court of Judicature* over *Sovereign Princes*; or, if you please, a *Spiritual High Court of Justice* at *Rome*; where Princes are often condemned without being heard, because they have no reason to acknowledge the Jurisdiction of the Court.

It is no satisfaction, in this case, to distinguish of a *direct* and *indirect* Power: For however the Power comes, the effect and consequence of it is the same: as a man may be as certainly killed by a back blow, as by a thrust or downright stroke. But the Question is not, how the Pope came by this Power, which, I easily grant, was *indirectly* enough; but whether he hath any such Sovereignty over Princes, as to be able by virtue thereof to depose them. And the Commonwealths-men do herein agree with you. For they do not say, that the *People* have a *direct* Power over their *Princes*; (which were a contradiction in it self, for Subjects to command their Sovereigns;) but onely, that in case of breach of Trust, the *People* have an *indirect* Power to call their *Princes* to an account, and to deprive them of their Authority. But are the Commonwealth-Principles the less mischievous to Government, because they onely assert an *indirect* Power in the *People*? Why then should

should the same distinction be of less pernicious consequence in this case? The main thing to be debated is, that which doth immediately concern the just *Rights of Sovereignty*, Whether Sovereign Princes have a Supreme and Independent Authority inherent in their Persons or no: or whether they are so accountable to others, that upon Male-administration they may be deprived of their Government. This is the first and chief Point: and the *Republicans* and Asserters of the *Pope's Deposing power* are perfectly agreed in the *Affirmative* of the latter Question, and onely differ as to the *Persons* in whom the Power of calling Princes to an Account doth lie; whether it be in the *Pope*, or the *People*.

And even as to this, they do not differ so much as men may at first imagine. For, however the *Primitive Christians* thought it no Flattery to Princes, to derive their Power immediately from *God*, and to make them accountable to him alone, as being Superiour to all below him, (as might be easily proved by multitudes of *Testimonies*:) yet, after the *Pope's Deposing Power* came into request, the *Commonwealth-Principles* did so too, and the *Power of Princes* was said to be of another Original, and therefore they were accountable to the *People*.

Thus *Gregory VII.* that *holy* and *meek-spirited Pope*, not onely took upon him to Depose the *Emperour*, and absolve his Subjects from their *Allegeance*; but he makes the first constitution of *Monarchical Government* to be a meer *Usurpation* upon the just *Rights* and *Liberties* of the *People*. For he saith,

That *Kings and Princes* had their beginning from those, who, being igno- *Quis nesciat, Reges & Duces ab-
iis habuisse principium, qui, De-
rant*

um ignorantes, superbiâ, rapinis, perfidiâ, homicidiis, postremò universis penè sceleribus, (Mundi Principe, Diabolo viz. agitante,) super pares, sc. homines, dominari cecâ cupiditate, & intolerabili præsumptione, affectaverunt?

Greg. VII. l. 8. cp. 21.

rant of God, got the power into their hands over their equals, (through the instigation of the Devil,) and by their pride, rapine, perfidiousness, murther, ambition, intolerable presumption, and all manner of wickedness. This

Pag. 4.

excellent account of the Original of Monarchical Government we have from that famous Leveller Gregory VII. that most Holy and Learned Pope, who, for his Sanctity and Miracles, was canonized for a Saint; as the Authour of the First Treatise notably observes.

Did ever any Remonstrance, Declaration of the Army, or Agreement of the People, give a worse account of the beginning of Monarchy then this Infallible Head of the Church doth? What follows from hence, but the justifying all Rebellion against Princes, which, upon these Principles, would be nothing else, but the People's recovering their just Rights against intolerable Usurpations? For shame, Gentlemen, never upbraid us more with the pernicious Doctrines of the late Times as to Civil Government. The very worst of our Fanaticks never talked so reproachfully of it, as your canonized Saint doth. Their Principles and Practices we of the Church of England profess to detest and abhorre: but I do not see how those can doe it, who have that Self-denying Saint Gregory VII. in such mighty veneration. I pray, Gentlemen, tell me what Divine Assistance this good Pope had, when he gave this admirable Account of the Original of Civil Government: and whether it be not very possible, upon his Principles, for men to be Saints and Rebels at the same time.

I have

I have had the curiosity to enquire into the Principles of *Civil Government* among the fierce Contenders for the Pope's *Deposing power*; and I have found those *Hypotheses* avowed and maintained, which justify all the Practices of our late *Regicides*, who when they wanted materials, and Examples of former Ages, when they had a mind to seem learned in Rebellion, they found *no Smith in Israel, but went down to the Philistins, to sharpen their fatal Axe*. Else, how came the *Book of Succession to the Crown of England* to be shred into so many *Speeches*, and licensed then by such *Authority* as they had, to justify their Proceedings against our late *Sovereign* of glorious Memory? Wherein the main design is, to prove, *That Commonwealths have sometimes lawfully chastised their lawfull Princes, though never so lawfully descended, or otherwise lawfully put in possession of their Crowns: and that this hath fallen out ever, or for the most part, commodious to the Weal-publick; and that it may seem that God approved and prospered the same, by the good Success and Successours that ensued thereof.*

These were the Principles of the most considerable men of that Party here in *England* at that time. For it is a great and common mistake in those that think the *Book of Succession* to have been written by *F. Parsons* alone. For he tells us, that *Card. Allen, Sir Francis Inglefield, and other principal persons of our Nation, are known to have concurred to the laying together of that Book, as by their own hands is yet extant; and this to the publick benefit of our Catholick Cause. First, that English Catholicks might understand what special and precise Obligation they have to respect Religion, in admitting any new Prince, above all*

An Apologie in defence of Ecclesiastical Subordination in England, pag. 187. col. 2.

other Respects humane under heaven. And this is handled largely, clearly, and with great variety of learning, reasons, doctrine, and examples, throughout the First Book.

Rog. Widdrington
Supplicat.
ad Paul. 5.
P. 133.

This was purposely intended for the Exclusion of His Majestie's Royall Family, K. James being then known to be a firm Protestant: and therefore two Breves were obtained from the Pope to exclude him from the Succession; which were sent to Garnet, Provincial of the Jesuits. One began, *Dilectis Filiis, Principibus, & Nobilibus Catholicis*; the other, *Dilecto Filio, Archipresbytero, & reliquo Clero Anglicano*. In both which the Pope exhorts them, not to suffer any person to succeed in the Crown of England, how near soever in Bloud, *unless he would, not barely tolerate the Catholick Faith, but promote it to the utmost, and swear to maintain it*. By virtue of which Apostolical Sentence Catesby justified himself in the Gunpowder-Treason: For, saith he, *if it were lawfull to exclude the King from the Succession, it is lawfull to cast him out of Possession; and that is my work, and shall be my care*.

Thus we see the Pope's Deposing power was maintained here in England, by such who saw how necessary it was for their purpose to defend the Power of Commonwealths over their Princes, either to exclude them from Succession to the Crown, or to deprive them of the Possession of it.

The same we shall find in France, in the time of the Solemn League and Covenant there, in the Reigns of Henry III. and IV. For those who were engaged so deep in Rebellion against their lawfull Princes, found it necessary for them to insist on the Pope's Power

Power to depose, and the People's to deprive their Sovereigns. Both these are joyned together in the Book written about the just Reasons of casting off Henry III. by one who was then a Doctor of the Sorbon: wherein the Authour begins with the Power of the Church; but he passes from that, to the Power of the People. He asserts * the Fundamental and Radical Power to be so in them, that they may call Princes to account for Treason against the People; which he endeavours at large to prove by Reason, by Scripture, by Examples of all sorts, forrein and domestick. And he adds, That in such cases they are not to stand upon the niceties and forms of Law; but that the necessities of State do supersede all those things. If this man had been of Counsel for the late Regicides, he could not more effectually have pleaded their Cause.

De justa
Abdicatio-
ne Henrici
Terii è
Franco-
rum Reg-
no. Lugd.
A. 1591.
l. 1. à c. 5.
ad c. 9.
* à c. 9. ad
c. 25.

l. 4. c. 1.
ad c. 6.

lib. 4. c. 23.

The next year after the Murther of Henry III. by a Monk, acted and inspired by these Rebellious Principles, came forth another virulent Book against Henry IV. under the name of *Rossens*;

but written by *W. Reynolds*, a furious English Papist, who, with his Brethren, contributed their utmost assistance to the Rebellious Leaguers in France; as appears by the Books then written. This man proceeds up-

De justa Reip. Christianæ in Re-
ges Impios & Hæreticos Authori-
tate. Antw. A. D. 1592.

Responce de vrayes Catholiques
Francois à l'advertissement des
Catholiques Anglois pour l'ex-
clusion du Roy de Navarre de la
Couronne de France. A.D. 1588.

on the same two Fundamental Principles of Rebellion, the Power of the People, and the Deposing power of the Pope. He makes all Obedience to Princes to be so far conditional, that if they doe not their duty, their Subjects are free from their obligation to obey them: and saith, that the contrary opinion is against the

Juramen-
tum popu-

li non eum astringit ad obediendum Regi, nisi Rex legitimè & Christianè imperet. Roslæ. c. 2. n. 6. p. 68. *Law of Nations, and the common Reason of Mankind.* And with great

c. 2. n. 7. p. 82. *vehemency he pleads for the Supreme Power over Princes to lie in the Body of the People, or their Representative: Which he endeavours to prove by the consent of Nations.* And it is observable, that he makes the

c. 2. n. 4. *Right of Succession by nearness of Blood to be a Calvinistical Doctrine.* For, he saith, *Those pretended Catholics who pleaded for the Right of the King of Na-*

varre, though of a different Religion, had onely the name of Catholics, but were in truth impudent Calvinists. The good Catho-

c. 8. n. 14. *lick Doctrine which he asserts, is, that no Obedience is due to an Heretical Prince: Which he goes about to prove with more then fanatick zeal.* But whereasthe

c. 8. de Rege Hæretico excommunicando. Pils. de Script. Angl. A. 1594. *Fanaticks had onely the Power of the People to justify themselves by; he calls in the Deposing Power of the Pope too; upon which he largely insists.* Yet this is the Book so highly commended in France by *Clement VIII's Nuncio, the Cardinal of Placentia.* By which we see, how well the Republican Principles do agree with the *Pope's Deposing power.*

Which may be better understood, when we consider, that these were the common Principles of the whole Party of the *League*; as might be proved from several authentick *Testimonies*, if it were needfull. And he is a mighty stranger in History, that doth not know how that Party was encouraged and abetted by the *Court of Rome*; and how *Sixtus V.* made a *Fanatick Oration* in the *Consistory* at Rome, upon the *Murder of Henry III.* by a *Jacobin Frier*, after eight days fasting and prayer to prepare himself for so holy an Act,

De justâ
Abdicat.
Henr. 3.
l. 4. c. 23.

Act, and celebrating Masse, and commending himself to the prayers of others ; as one tells us who well knew all the circumstances of that horrid Murther. This Oration is now stoutly denied by persons of greater zeal than knowledge ; but Will. Warmington, a Ro- Catholick
mish Priest, not onely assures us that he had seen Apology
the Copy printed at Paris 1589. the year of the p. 336.
King's death, with the Approbation of 3 Doctours of A Mode-
the Faculty of Paris, (whereof one, viz. Boucher, was rate De-
the Authour of the Book of The just Abdication of fence of
Henry III.) but he saith, that being then at Rome, the Oath
he sent it to William Reynolds, (the Authour of the of Alleg-
other Treatise,) who looked on it as an Approbation of ance, A.
the Frier's fact ; and said, he could not have been grati- 1612. p.
fied by any thing more, then by sending him the Approba- 127.
tion of the See Apostolick, because he was then writing his
Book. This Speech was published from the Notes of
Card. Allen, as Warmington saith, who was then one p. 148.
of his Chaplains, imploy'd by him in transcribing
it; and the Pope himself acknowledged it to be his
own Oration. Let the World then judge, whether
the Regicides Doctrine doth not very well agree
with the Maxims of the Roman Court.

So true is that saying of *Spalatenfis*,
that the Popes and their followers
make it their business to lessen the Au-
thority of Princes, and to make it as
mean and contemptible as they can.

*Illud unum sciant Reges, ni-
hil magis cordi esse Pontifici &
ejus asseclis, quam ut Regiam po-
testatem vilem reddant, infirmam,
imbecilem & abjectam. Ortel.
error. Suarez. c. 3. n. 1.*

And the countenancing the Proceedings of the
Covenanters in France against Henry IV. by the suc-
cessive Popes was so open and notorious, that the
necessity of his Affairs drove him to the Change of
his Religion : but because he was not a Persecuter of
Here-

Hereticks to that degree they desired, after several attempts upon his Person, by men of these Principles, we all know it cost him his Life at last. And I have it from a very good hand, that *Ravilliac* himself confessed, that the Reason which induced him to murder his Sovereign was, because he did not think him obedient enough to the *Pope*.

Thus we find the most mischievous *Commonwealth-Principles* have been very well entertained at *Rome*, as long as they are subservient to the *Pope's Deposing power*. But if we enquire farther into the Reason of these Pretences, we shall find them alike on both sides. The *Commonwealths-men*, when they are asked, how the People, having once parted with their Power, come to resume it; they presently run to an *implicit Contract between the Prince and the People*, by virtue whereof the People have a Fundamental Power left in themselves, which they are not to exercise but upon Princes violation of the Trust committed to them. The very same Ground is made the *Foundation* of the *Pope's Deposing power*, viz. an *implicit Contract* that all Princes made when they were *Christians*, to submit their Scepters to the *Pope's Authority*. Which is so implicit, that very few Princes in the world ever heard of it, unless they were such who took their Crowns from the *Popes* hands, after they had resigned them to them; which few besides our King *John* were ever so mean-spirited to doe.

I read indeed that *Albertus*, Archduke of *Austria*, in late times accepted the Government of *Flanders* with *Isabella Clara Eugenia*, upon these terms, That if any of their Posterity were declared Hereticks by the *Pope*, they should lose all their Right to those Provinces;
and

and that the People should be no longer bound to obey them, but to take the next Successour. This is a very unusual Condition, and I leave it to the Politicians to dispute how far such a Condition can oblige a Sovereign Prince; since it is declared in the case of King John, that the Resignation of the Crown to the Pope is a void Act: and so consequently will the imposing any such Condition be as inconsistent with the Rights of Sovereignty.

De præ-
lud. ju-
stit. &
juris, pag.
257.

But in the general case of Princes, nothing is pleaded but an *implicit Contract*, where by Princes being Excommunicated by the Pope, must lose all that just Authority over the People which they had before. But who made such Conditional Settlements of Civil Power upon Princes? Who keeps the ancient Deeds and Records of them? For all the first Ages of the Christian Church, this *Conditional Power and Obedience* was never heard of. Not when Emperours were open and declared Infidels or Hereticks. What reason can be supposed more now, then was in the times of *Constantius* and *Valens*, that were *Arian* Hereticks? Yet the most learned, zealous and orthodox Bishops of that time never once thought of their losing their Authority by it: as I could easily prove, if the design of this Preface would permit me.

Suppose there were an Escheat of Power made, how comes it to fall into the Pope's hands? If it be by virtue of *Excommunication*, every Bishop that hath Power to *Excommunicate*, will likewise have Power to *Depose Princes*: and what a fine case are Princes in, if their Power lies at the mercy of every insolent or peevish Bishop? If it be not by the Power of *Excommunication*, by what Power is it that the Prince

Prince is Deposed by the Pope? Is it by virtue of *Pasce oves*, and *Dabo tibi Claves*? That Prince's case is extremely to be pitied, that hath no better Security for his Power, then what the Pope hath for his from those places, in the judgment of the most ingenuous persons of the *Roman* Communion. And it seems a very hard case, that Princes should lose their unquestionable Rights for the sake of so doubtfull an Authority, at best, as that of the *Popes*, especially over Princes, is. And it is so much the more hard with them, because no private person loses his Estate by Excommunication; and yet Princes must lose their Kingdoms by it.

This is indeed no Court *Holy-water*, nor a design to flatter Princes; but such horrible Injustice and Partiality, that it is a wonder to me, the Princes of Christendom have not long since combined together to dethrone him, who thinks it in his power to depose them, thereby making himself the *Caliph* of the *Western Babylon*. And so, no doubt, they would have done, had it not been for the difference of Interests among Christian Princes, that have made some therefore side with and uphold the *Papal Monarchy*, because others opposed it; and every one hopes, at one time or other, to make use of it for his own turn. But yet methinks it is their common Interest, to secure themselves against the prevalency of this dangerous Doctrine on their own *Subjects*: for all those who believe it, are but *Conditional Subjects* to their Princes, for their Obedience depends on the Will and Pleasure of another, whom they think themselves bound absolutely to obey, and yet not bound to believe he did right in Excommunicating and Deposing their

their Prince. For they dare not say he is Infallible in his Proceedings against Princes: so that right or wrong they must obey the Pope, and disobey their lawfull Sovereign. If the Pope through Pride, or Passion, or Interest, or Misinformation, thunder out Excommunication against a Christian Prince, (all which, they say, he is capable of in pronouncing this dreadful Sentence,) then all his Subjects are presently free from their Allegiance, and they may doe what they please against him. And what a miserable condition were Sovereign Princes in, if all Christians were such Fools, to think themselves bound to obey an unjust Sentence of the Bishop of *Rome* against their just and lawfull Prince? For upon these Principles, though the Popes be never so much *Parties*, they must be the onely *Judges* in this case. And what redress is to be expected there, where it is so much the Interest of the person concerned, to have it believed he cannot erre?

If these were really the terms of Princes being admitted to Christianity, it would make the most considerable Argument to perswade them to Infidelity. *For what have they to doe to judge them that are without?* But Princes have no cause to be afraid of being Christians for the sake of this Doctrine: For if *Christ* and his Apostles were the best Teachers of Christianity, this is certainly no part of it. For the Religion they taught never meddled with Crowns and Scepters, but left to *Cæsar the things that were Cæsar's*, and never gave the least intimation to Princes of any Forfeiture of their Authority, if they did not *render to God the things that are God's*. The Christian Religion left mankind under those *Forms*

and *Rules of Civil Government* in which it found them: it onely requires all men, of what rank or order soever, *to be subject to the Higher Powers*, because they are *the Ordinance of God*; and bids all Christians *pray for them in Authority*, that under them they may lead quiet and peaceable lives in all godliness and honesty. Thus far the Christian Religion goes in these matters, and thus the Primitive Christians believed and practised, when their Religion was pure, and free from the Corruptions and Usurpations which the Interests and Passions of men introduced in the following Ages. And how then come Princes in these latter times to be *Christians* upon worse and harder terms than in the best Ages of it?

But how doth it appear that Princes do become Christians upon such Conditions, that if the Pope Excommunicate them, they lose their Crowns? What Office of *Baptism* is this contained in? Did their *Godfathers* and *Godmothers* undertake this for them? No, that is not said, but that it is implied in the nature of the thing. How so? Is it because Dominion is founded in Grace? No, not that neither. But in my mind there is very little difference, between Dominion being founded in Grace, and being forfeited for want of it. And so we are come about to the *Fanatick Principles of Government* again; which this *Deposing power* in the Pope doth naturally lead men to.

But this is not all the Mischief of this *Doctrine*; For,

2. It breaks all *Bonds and Oaths of Obedience*, how sacred and solemn soever they have been. That we may the better apprehend the pernicious consequence of

of this Doctrine, we are to consider, (1.) That there is a mutual Duty owing between *Princes* and *Subjects*, on the account of the Relation between them, such as doth naturally arise from it, and antecedently to their embracing the *Christian Religion*. For without an obligation to Obedience on the Subjects part, the Authority of a Prince is an insignificant thing, and the publick good of the Society cannot be obtained. (2.) That when Subjects are Absolved from their *Oaths* of *Allegiance* by the *Pope*, they are thereby declared free from that natural Duty they were obliged to before. For *Allegiance* to *Princes* doth not flow from the Relation between them and the People as *Christians*, but as *Members* of a *Civil Society*; and therefore the Absolving Subjects from that, is in plain terms nulling the Obligation to a natural Duty, and taking away the force of *Oaths* and *Promises*. (3.) That all mankind are agreed, that it is a Sin to break a lawfull Oath; and the more solemn and weighty the Oath is, the greater the Perjury: but in case of the Pope's Absolving Subjects from their *Oath* of *Allegiance*, it must be said, that that which otherwise would be a Sin, becomes none; and a notorious Crime becomes a Duty, because done by virtue of the Pope's Authority.

This is that now we are to understand, if possible, what *Authority* that is in the *Pope* which can turn *Evil* into *Good*, and *Good* into *Evil*; that can make *Civil Obedience* to *Princes* to be a Crime, and *Perjury* to be none. This is an admirable *Power*, and greater then the *Schoolmen* will allow to *God himself*, where there is intrinsick Goodness in the nature of

Suarez de
Legibus
l. 2. c. 15.
n. 4. 16, &c.
Azor. In-
stit. Moral.
l. 6. c. 1.
dub. 4.

the thing, and inseparable Evil from the contrary to it. For, say they, *Divine Providence being supposed, God cannot but forbid those evil actions which natural reason discovers to be evil : for how can the Hatred of God, or a wilfull Lie, be any other then evil ?* The same I say of Disobedience to Parents, and violation of Oaths lawfully made ; which are things evil in their own nature. The Question now is, whether the *Pope* can doe that which they say *God* himself cannot, viz. *make Perjury not to be a Sin.* For an Oath of *Allegiance* cannot be denied to be a lawfull Oath, and a lawfull Oath lays an obligation on Conscience to the performance of it, and gives another a just right to challenge that *Allegiance* as a *Duty* by virtue of his Oath ; and where-ever there is a necessary *Duty*, *God* himself, saith *Aquinas*, cannot dispense : for then he would act contrary to the Rule of *Eternal Righteousness* ; which he can never doe.

Aqu. 1. 2.
q. 100.
art. 8.

It is true, they grant, that *God*, in regard of his Supreme Dominion, can alter the matter or circumstances of things ; as in *Abraham's* sacrificing his Son upon *God's* particular Command, which in those circumstances was not Murther : but this, they say well, is no Dispensation with the Law, nor any act of Jurisdiction as a Legislator ; but onely an act of Supreme Power. But our Question is onely, about Dispensing with the force and obligation of a Law of Nature, such as keeping our Oaths undoubtedly is. And since *God* himself is not allowed the Power of dispensing, it seems very strange how the *Pope* should come by it ; unless it were out of a desire to exalt himself above all that is called *God*. *Thomas Aquinas* saith, that there can be no Dispensation to make a man doe

2. 2. q. 89.
art. 9.

doe any thing against his Oath; for, saith he, keeping an Oath is an indispensable divine precept: but all the force of a Dispensation lies in altering the matter of an Oath, which being variable may be done.

To clear this, in every Oath are three things to be considered: (1.) the Obligation upon the person to perform what he swears to; (2.) the Right which the person hath to challenge that performance to whom the Oath is made; (3.) the interest which God hath, as Supreme Judge, to see to the performance, and to punish the breakers of it. Now which of these is it the *Pope's Dispensation* in a *promissory Oath* doth fall upon? Surely the *Pope* doth not challenge to himself God's Supreme Power of punishing or not punishing Offenders; so that if men do break their Oaths, if they have the *Pope's Dispensation*, they do not fear the punishment of Perjured persons. I am willing to believe this is not their meaning. It must therefore be one of the former. But then how comes the *Pope* to have power to give away another man's *natural Right*? A man swears *Allegiance* to his *Prince*, by virtue of which Oath the *Prince* challenges his *Allegiance* as a sworn *Duty*: and so it is according to all Rules of common Reason and Justice. The *Pope* he dispenseth with this Oath, and absolveth the person from this *Allegiance*; i.e. the *Pope* gives away the *Prince's Right* whether he will or no. Is not this great Justice, and infinitely becoming *God's Vicar upon earth*? But how came the *Pope* by that Right of the *Prince* which he gives away? The Right was a just and natural Right, belonging to him on a meer civil account: what Authority then hath the *Pope* to dispose of it? May he not as well give away all

the just Rights of men to their Estates, as those of Princes to their Crowns ?

The very plain Truth is, the Defenders of the Pope's *indirect* Power are forced to shuffle and cut, and make unintelligible distinctions, and in effect to talk non-sense about this matter. The onely men that speak sense are those who assert the Pope in plain Terms to have a *direct Temporal Monarchy*, and that all Kings are their Subjects and Vassalls; and therefore they may dispose of their Crowns, and doe what they please with them. We know what these men would have; and if Princes be tame enough to submit to this Power, they own the Pope as their true Sovereign Lord, and must rule, or not rule, at his Pleasure. But it is impossible for those who contend onely for Spiritual Jurisdiction in the Pope, to defend his Power of Absolving Subjects from their Allegiance to Princes, since this Power of altering the matter is not an act of *Jurisdiction*, but of *meer Power*, as was said before as to God himself in the case of *Abraham*. Therefore those who contend onely for the Pope's dispensing with *Oaths* of *Allegiance* on the account of his Spiritual Jurisdiction, can never justify the giving away the natural Rights of Princes; for that is an act of *Power*, and not of *Jurisdiction*. And *Cajetan* well observes, that *the relaxation of an Oath by altering the matter, is an act of direct Power, because the thing it self is immediately under the power of the person; as in a Father over his Son, or a Lord over his Vassall*: and therefore the Dispensing with the Oath of *Allegiance* cannot be by the *alteration* of the matter, unless a *direct Power* over Princes be asserted.

Cajetan. in
2. 2. q. 89.
art. 9.

Cajetan

Cajetan laies down a good Rule about Dispensing

with Oaths, that in them we ought to see that no prejudice be done to the person to whom and for whose sake they are made: and therefore, he saith,

In iuramentis oportet respicere ad præjudicium hominis cui factum est, & in cuius favorem factum est. Id. ib.

the Pope himself hath not that Power over Oaths, which he hath over Vows. And yet Maldonat saith, that nei-

Maldonat. Summul. qu. 12. art. 7. q. 15. art. 21.

ther the Pope, nor the whole Church, can dispense in a solemn Vow: and that a Dispensation in such cases is no less then an Abrogation of the Law of God and Nature. Dominicus à Soto

saith, that although the Pope may dispense in a Vow, yet he cannot in an Oath. For, saith he, the Pope cannot relax an Oath which one man hath made to another of paying to him what he owes him: which ariseth from the nature of the Contract which is confir-

Enimvero quomodo Papa dispensare valeat in Voto, quod est majus, non tamen in iuramento, quod est minus. Haud enim relaxare potest iuramentum quod homo homini præstitit, id solvendi quod ei debet. Soto De justit. & iure l. 8. q. 1. art. 9.

med by an Oath. The Pope having not the Power to take away from another man that which doth belong to him, cannot doe him so much injury as to relax the Oath which is made to him. And in the loosening of Oaths, care ought to be taken that there be no injury to a third person. Afterwards he puts this case, whether if the Pope dispenseth with an Oath without just cause, that Dispensation will free a man from Perjury. Which he denies, for this Reason, because a Dispensation cannot hold in the Law of God or Nature. Therefore since it is a Law of God, that a man should perform what he swears, although that Bond doth arise from the will and consent of the party, yet it cannot be dissolved without sufficient Reason. But what reason can be sufficient, he determines not. However, we have gained thus much, that

that the Pope cannot take away the Right of a third person ; which he must doe, if he can Absolve Subjects from their *Allegeance* to their Prince, which is as much due to him, as a summe of money is to a *Creditor*.

I grant, after all this, that *Cajetan* and *Soto* both yield to the common Doctrine of their Church, *about Dispensing with Oaths made to Excommunicated persons, by way of punishment to them* : but they do not answer their own Arguments. And *Cajetan* saith, *that caution is to be used, lest prejudice be done to another by it* : i. e. they durst not oppose the common Opinion, although they saw sufficient Reason against it.

Cardinal *Tolet* seems to speak home to our case, when he saith, *that an Oath made to the benefit of a third person cannot be dispensed with, no not by the Pope himself, without the consent of that person ; as the Pope cannot take away another man's goods*. One would

Quando autem est juramentum in alicujus tertii utilitatem, non potest absque voluntate tertii etiam à Papa dispensari ; sicut nec Papa potest auferre rem alterius.
Tolet. Summa Casuum l. 4. c. 23.
n. 1.

have thought this had been as full to our purpose as possible ; and so it is as to the Reason of the thing. But he brings in after it a scurvy exception of *the case of Excommunicated persons*, without offering the least shew of Reason why the common *Rules of Justice and Honesty* ought not to be observed towards persons censured by the Church : Nor doth he attempt to shew, how the Pope comes by that Power of Dispensing with Oaths in that case, which he freely declares he hath ~~not~~ in any other.

Clavis Regia Cal.
Censc. l. 6.
c. 11. n. 11.

Gregory Sayr thinks he hath nicked the matter, when with wonderfull subtilty he distinguisheth between

tween the free act of the will in obliging it self by an Oath, and the Obligation following upon it, to perform what is sworn. Now, saith he, the Pope in Dispensing doth not take away the second, viz. the Obligation to perform the Oath, the Bond remaining, for that were to go against the Law of God and Nature; but because every Oath doth suppose a Consent of the will, the Dispensation falls upon that, and takes away the force of the Oath from it.

If this Subtilty will hold, for all that I can see, the Pope may dispense with all the Oaths in the world, and justify himself upon this Distinction: for, as Azorius well observes, if the Reason of Dispensing be drawn from the Consent of the will, which is said to be subject to the Pope, he may at his pleasure dispense with any Oath whatsoever. Sayr takes notice of Azorius his dissatisfaction at this Answer, but he tells him to his teeth, that he could bring no better; yea, that he could find out no Answer at all. Azorius indeed acknowledges the great difficulty of explaining this Dispensing power of the Pope as to Oaths; and concludes at last, that the Bond of an Oath cannot be loosed by the Pope, but for some Reason drawn from the Law of Nature; which is in effect to deny his Authority: for if there be a Reason from the Law of Nature against the obligation of an Oath, the Bond is loosed of it self.

Azor. Institut. Mor. l. 6. c. 1. Quarto quaritur.

Others therefore go the plainest way to work, who say, that all Oaths have that tacit Condition in them, If the Pope please. But Sayr thinks this a little too broad; because then it follows evidently, that the Pope may dispense as he pleases without cause; which, he saith, is false.

Others again have found out a notable device of distinguishing

Widdring-
ton Disp.
Theolog.
c. 6. sect. 3.
n. 1, 2, 3.

tinguishing between *the Obligation of Justice, and of Religion, in an Oath*; and say, that *the Pope can take away the Religious Obligation of an Oath, though not that of Justice*. This Widdrington saith *was the Opinion of several grave and learned Catholicks in England; and therefore they said they could not renounce the Pope's Power of absolving persons from the Oath of Allegiance*. But he well shews this to be a vain and impertinent Distinction, because the intention of the *Oath of Allegiance* is, to secure the *Obligation of Justice*; and the intention of the *Pope in Absolving* from that Oath is, to take it away: as he proves from the famous *Canons, Nos Sanctorum, and Juratos*. So that this Subtilty helps not the matter at all.

Theolog.
Moral.

l. 4. tr. 3.
c. 11. n. 5.

Paul Layman confesseth, that a *promissory Oath made to a man cannot ordinarily be relaxed without the consent of the person to whom it is made*: because by such an Oath a man, to whom it is made, doth acquire as just a right to the performance, as he hath to any of his Goods, of which he cannot be deprived. But from this plain and just Rule he excepts, as the rest do, the *publick Good of the Church*; as though Evil might be done for the Good of the Church, although not for the Good of any private person: whereas the Church's Honour ought more to be preserved by the ways of *Justice and Honesty*.

Wo be to them that make good evil, and evil good, when it serves their turn; for this is plainly setting up a particular Interest under the name of the *Good of the Church*, and violating the *Laws of Righteousness* to advance it. If men break through *Oaths*, and the most solemn Engagements and Promises, and regard no Bonds of *Justice and Honesty*, to compass their

their ends, let them call them by what specious names they please, *the Good Old Cause*, or *the Good of the Church*, (it matters not which,) there can be no greater sign of Hypocrisy and real Wickedness then this. For the main part of true Religion doth not lie in Canting phrases, or Mystical notions, neither in Specious shews of Devotion, nor in Zeal for the true Church: but in *Faith*, as it implies the performance of our *Promises*, as well as belief of the *Christian Doctrine*; and in *Obedience*, or a carefull observance of the *Laws of Christ*; among which, *Obedience to the King as Supreme* is one: Which they can never pretend to be an inviolable Duty, who make it in the power of another person to Absolve them from the most solemn *Oaths of Allegiance*; and consequently suppose, that to keep their *Oaths* in such case, would be a *Sin*, and to violate them may become a *Duty*: which is in effect to overturn the natural differences of *Good and Evil*, to set up a *Controlling Sovereign Power* above that of their *Prince*, and to lay a perpetual Foundation for *Faction and Rebellion*; which nothing can keep men from, if *Conscience* and their *solemn Oaths* cannot.

3. Therefore the third Mischief common to this *Deposing power* of the Pope and *Commonwealth-Principles*, is, the Justifying *Rebellion* on the account of *Religion*. This is done to purpose in *Boucher and Reynolds*, the fierce Disputers for the *Pope's* and the *People's Power*.

Boucher saith, that it is not onely lawfull to resist *Authority on the account of Religion*; but that it is folly and impiety not to doe it, when there is any probability of success. And the *Martyrs* were onely to be commen-

De justa
Abdicar.
Henr. 3.
l. 1. c. 3.
p. 41

ded for Suffering, because they wanted Power to resist. Most Catholick and Primitive Doctrine! And that the Life of a Wicked Prince ought not to be valued at that rate as the Service of God ought to be: That when Christ paid tribute to Cæsar, he did it as a private man, and not meddling with the Rights of the People: That, if the People had not exercised their Power over the lives of bad Princes, there had been no Religion left in many Countries. And he finds great fault with the Catholics in England, that they suffered Heretical Princes to live; and saith, that they deserved to endure the miseries they did undergo, because of it: that there is no juster cause of War, then Religion is: that the Prince and People make a solemn League and Covenant together to serve God, and if the Prince fail of his part, the People ought to compell him to it. And he accounts this a sufficient Answer to all Objections out of Scripture, If he will not hear the Church, (how much more if he persecutes it?) let him be to thee as a Heathen or a Publican. And he brings all the Examples he could think of to justify Rebellion on the account of Religion.

Ross. De
justa Reip.
Christian.
Author. in
Reges im-
pios & hz-
ret. c. 9.
n. 1.
pag. 604,
608.
n. 7. p. 616.

Rossæus proves, that Hereticks, being Excommunicated, lose all Right and Authority of Government; and therefore it is lawfull for their Subjects to rise up against them; and that no War is more just or holy then this. Which he endeavours at large to defend, and to answer all Objections against it. And the contrary Opinion, he saith, was first broached by the Calvinists in France, when they had the expectation of the Succession of Henry IV. which Doctrine he calls Punick Divinity, and Atheism; and the New Gospel. The truth is, he doth sufficiently prove the Lawfulness of resisting Princes

Princes on the account of Religion to have obtained together with the Pope's Power of deposing Princes.

And there can be no other way to justify the Wars and Rebellions against Henry IV. of Germany, and France, and other Princes, after their Excommunications by the Pope, but by stily maintaining this Principle, of the Lawfulness of resisting Authority on the account of Religion. And therefore this cannot be looked on as the Opinion of a few factious spirits, but as the just consequence of the other Opinion. For the *Pope's Deposing power* would signifie very little, unless the *People* were to follow home the blow, and to make the Pope's Thunder effectual, by actual Rebellion. And the Popes understand this so well, that they seldom denounce their Sentence of Excommunication against Princes, but when all things are in readiness to pursue the design; as might be made appear by a particular History of the several *Excommunications of Princes*, from the Emperour Henry IV. to our own times. If they do forbear doing the same things in our Age, we are not to impute it to any alteration of their minds, or greater Kindness to Princes then formerly, but onely to the not finding a fit opportunity, or a Party strong and great enough to compass their ends. For they have learnt by experience, that it is onely loss of Powder and Ammunition, to give fire at too great a distance; and that the noise onely awakens others to look to themselves: but when they meet with a People ready prepared for so good a Work, as the *Nuntio in Ireland* did, then they will set up again for this *Good Old Cause of Rebellion* on the account of Religion.

De Rom.
Pontif. l. 5.
c. 7. tertia
Ratio.

And it is observable, that *Cardinal Bellarmin*, among other notable *Reasons* to prove the *Pope's Deposing power*, brings this for one; *Because it is not lawfull for Christians to suffer an Heretical Prince, if he seeks to draw his Subjects to his Belief.* And what Prince that believes his own Religion doth it not? And what then is this, but to raise Rebellion against a Prince, whenever he and they happen to be of different Religions?

But that which I bring this for, is to shew, that the *Pope's Deposing power* doth carry along with it that mischievous Principle to Government, of the *Lawfulness of resisting Authority on the account of Religion.* And from this Discourse I infer, that there can be no real Security given to the Government, without renouncing *this Deposing power in the Pope.*

But that which is the present pretence among them, is, that it is not this they stick at; but the quarrel they have at the *Oath of Allegiance*, as it is now framed. I shall therefore proceed to the Second thing, *viz.*

II. That if they do renounce the *Pope's Deposing power* in good earnest, they have no reason to refuse the *Oath of Allegiance.* And now, Gentlemen, I must again make my Address to you, with great thanks for the satisfaction you have given me in this particular. I have seriously read and considered your *Treatises*; and I find by them all, that if you durst heartily renounce this *Doctrine*, all the other parts of the *Oath* might go down well enough. The *Authour* of the *First Treatise* is so ingenuous, as to make the following Proposition the whole Foundation of his *Discourse*; *viz. That it is not lawfull to take any Oath or Protestation*

First Treatise, p. 1.

station renouncing the Pope's Power, in any case whatsoever to Depose a Christian Prince, or Absolve his Subjects from their Allegiance. And in my mind he gives a very substantial Reason for it, Because the holding that he hath no such Power is Erroneous in Faith, Temerarious, and Impious. What would a man wish for more against any Doctrine? Whatever P. W. and his Brethren think of this Deposing power, this Piece doth charge them home, and tells them their own; and that they are so far from being sound Catholicks that deny it, that, in one word, they are Hereticks, damnable Henrician Hereticks. What? pag. 5.
would they be thought Catholicks that charge the Church, for so many Ages, with holding a damnable Error, and practising mortal Sin? as their Church hath done, if the Pope hath no Deposing power. For this honest Gentleman confesseth, That it is a Doctrine enormously injurious to the Rights of Princes, and the cause of much deadly Fend betwixt the Church and Secular States, of many bloody Wars of Princes one against another, and wicked Rebellions of Subjects against their Princes. O the irresistible power of Truth! How vain is it for men to go about to Masquerade the Sun! His light will break through, and discover all. It is very true, this hath been the effect of this blessed Doctrine in the Christian world; Seditions, Wars, Bloodshed, Rebellions, what not? pag. 2.

But how do you prove this to have been the Doctrine of the Church of Rome? How? say you; by all the ways we can prove any Doctrine Catholick. Popes have taught it from Scripture and Tradition, and condemned the contrary as Erroneous in faith, Pernicious to salvation, wicked Folly and Madness, and inflicted

flitted Censures on them that held it. Have they so in good sooth? Nay then, it must be as good Catholick Doctrine as Transubstantiation its own self; if it hath been declared in Councils, and received by the Church. Yes, say you, that I prove by the very same Popes, the same Councils, the same Church, and in the same manner that Transubstantiation was. And for my part I think you have done it, and I thank you for it. I am very well satisfied with your Proofs, they are very solid, and much to the purpose. But above

pag. 3, 4, 5. *all I commend your Conclusion, That if this Doctrine be an Errour, the Church of Rome for several Ages was a wicked and blind Church, and a Synagogue of Satan: and if it were no Errour, they that now call it an Errour are wicked Catholicks, and in damnable Errour.*

pag. 13. *Nor though all the Doctors of Sorbon, all the Parliaments and Universities of France, all the Friers or Blackloists in England or Ireland, all the Libertines, Politicians and Atheists in the world, should declare for it, could it ever be an Authority to make it a probable Opinion. Bravely spoken, and like a true Disciple of Hildebrand!*

Hear this, O ye Writers of Controversial Letters, and beware how ye fall into these mens hands. You may cry out upon these Opinions as long as you please, and make us believe your Church is not concerned in them: but if this Good man may be credited, you can never find Authority enough to make your Opinion *so much as Probable*. A very hard case for Princes, when it will not be allowed so much as *probable*, that Princes should keep their Crowns on their Heads, if the Pope thinks fit to take them away; or that Subjects should still owe Allegiance to

to Princes, when the Pope absolves them from it! Very hard, indeed, in such an Age of *Probable Doctrines*, when so small *Authority* goes to make an Opinion *Probable*, that this against the *Pope's Deposing power* should not come within the large sphere of *Probability*.

Hear this, ye *Writers of Apologies for Papists Loyalty*, who would perswade us, silly people of the *Church of England*, that this *Doctrine of the Pope's Power of deposing Princes is onely the Opinion of some Doctours, and not the Doctrine of your Church*; when this Learned Authour proves, you have as much Reason and Authority to believe it, as that *Transubstantiation* is the *Doctrine* of it; and Father Caron's 250 *Authours* cannot make the contrary Opinion so much as *Probable*; this having been for some Ages (one at least) the common Belief, Sense and *Doctrine of the Church*, as our Authour saith. From whence it follows, it must have been always so; or else *Oral Tradition* and *Infallibility* are both gone. For how could that be the *Doctrine* of one Age which was not of the precedent? What? did Fathers conspire to deceive their Children then? Is it possible to suppose such an alteration to happen in the *Doctrine* of the Church, and yet the Church declare to adhere to *Tradition* at that time? If this be possible in this case, then, for all that we know, that great Bugbear of *Transubstantiation* might steal in in the dark too. And so farewell *Oral Tradition*. But how can *Infallibility* stand after it, when the *Church* was so enormously deceived for so long together, as this Authour proves it must have been, if this *Doctrine* be false? If the *Blackloists* in *England* and *Irish Remonstrants* do not

Cathol.
Apology,
pag. 121,
122.

Pag. 13.

all vanish at the appearance of this *Treatise*, and yield themselves *Captives* to this smart and pithy Authour, I expect to see some of them concerned for their own Vindication, so far, as to answer this short *Treatise*: but I beseech them then, to shew us the difference between the coming in of *Transubstantiation* and this *Deposing doctrine*, since the same *Popes*, the same *Councils*, and the same *Approbation of the Church*, are produced for both.

Treat. 2.
P. 2.

This is all I have to say of this *First Treatise*, whose Authour I do highly commend for his plain dealing; for he speaks out what he really thinks and believes of this *Doctrine of the Pope's Power of deposing Princes*. But I am no sooner entred upon the *Second Treatise*, but I fancy my self in *Fairy-land*, where I meet with nothing but phantastick Shows and Apparitions: when I go about to fasten upon any thing, it is immediately gone; the little *Fairy* leaps up and down, and holds to nothing, intending onely to scare and affright his party from the *Oath of Allegiance*; and when he hath done this, he disappears.

The Substance of the Oath (saith the Authour of the *Questions*, whom he pretends to answer,) is, the *Denying and Abjuring the Pope's Power of deposing Princes*. This is plain, and home to the purpose; what say you to this? Is this *Doctrine* true, or false? may it be renounced or not? *Hold*, say you; *For my part, it is as far from my thoughts, as forein to my present purpose, to speak any thing in favour of this Deposing power*. Is it indeed forein to your purpose, to speak to the Substance of the *Oath*? *No*, say you, *the Substance of the Oath is contained in this Question, Whether*

Whether a Catholick may deny by Oath, and universally abjure, the Pope's Power to depose Princes: not, Whether he may deny it, but, Whether he may deny it by Oath. And the great Argument to prove the Negative is, *that it hath been a Question debated for 500 years, and no clear and authoritative Decision of the Point yet appeareth, to which both sides think themselves obliged to stand and acquiesce.* Pag. 3.
Pag. 4.

Where are we now? Methinks we are sailing to find O Brasil. We thought our selves as sure as if we had got the Point, in the *First Treatise*, a good firm, solid, substantial Point of Faith; and now, all of a sudden, it is vanished into clouds and vapours, and armies fighting in the air against each other. Is it possible for the *Sense, Belief and Doctrine of the Church*, as the *First Authour* assures us it was, to become such a Moot-point, always disputed, never decided? *This hath been the common received Doctrine of all School-Divines, Casuists, Canonists, from first to last, (afore Calvin's time,) in all the several Nations of Christendom, yea even in France it self; and neither Barclay, nor Widdrington, nor Caron, nor any other Champion for the contrary Tenet, hath been able yet to produce so much as one Catholick Authour, (afore Calvin's time,) that denied this Power to the Pope absolutely, or in any case whatsoever.* Thus the *Authour of the First Treatise*. Since it is but more undeniably evident than all good men have cause to wish, and that Experience, the easiest and clearest of Arguments, puts it too sadly beyond dispute, that this grand Controversie, *Whether the Pope hath any Power or Authority to depose Princes, for any cause, pretence or exigency whatsoever, hath been for divers Ages, from time to time, disputed* First Treatise, p. 13.
Second Treat. p. 4.

in the Schools by Speculative men, and is to this day, among Catholick Controvertists, and Catholick Princes too ; as the Authour of the Second Treatise confesseth.

What shall I say to you, Gentlemen, when you thus flatly contradict each other? How come you to be so little agreed upon your Premisses, when you joyn in the same Conclusion? There is some *mysterie* in this, which we are not to understand. This I suppose it is. Among those who may be trusted, this is an *Article of faith*, and for such the *First Treatise* was written. But for the sake of such who would see too far into these things, we must not own it, for fear we lose some *Residences*, and *Patrons* of the *Nobility* and *Gentry*: therefore among these we must not own it as an *Article of faith*, but as a *Controverted Point*. How then, say some of the *Fathers* of the *Society*, shall we keep them from taking the *Oath of Allegiance*? and if we do suffer them to doe that, farewell to our Interest in *England*; *P.W.* and the *Blackloists* will prevail. Come, come, saith Father *W.* never fear, I have a *Topick* will scare them all, though we own it as a *Controverted Point*. What is that? say they with great Joy. Let me alone, saith he to them, I will prove them all guilty of *Perjury*, if they take the *Oath*, because it is a *Controverted Point*. Excellent! they all cry, this will doe our business in spite of them.

Let us now come near, and handle this mighty Argument, that we may discern whether it be a mere Spectre, or hath any flesh and bones. *The Oath of Allegiance is a mixt Oath, partly assertory, and partly promissory. In an Assertory Oath it is essentially requisite, that what we do swear be undoubtedly and unquestionably true.* Very well; but suppose a person doth in his
consci-

conscience believe that the Pope cannot *Depose Princes*, nor *Absolve Subjects* from their *Allegiance*; may not such a man swear it without Perjury? No, says our good Father; *A man may swear against his Conscience, not onely when he doubts, but when he hath just cause to doubt.* How is that? good Sir; when other men see that he hath cause to doubt, or when himself sees it? If he sees himself that he hath cause to doubt, he doth not believe in his Conscience that to be so as he swears it is; for how can a man firmly believe that, which he sees cause to doubt? If he sees none himself, what is that to his Conscience, if others think they do; if he does not think his Conscience bound to be swayed by their Authority?

Page 6.

But the *Mysterie* of this *Jesuitism* is, that no Gentlemen ought to have judgments of their own in these matters, but to be swayed by the extrinsick Authority of their Teachers. And therefore if *they* say, they have cause to doubt, they must doubt, whether they do or no. If Gentlemen of freer understandings and education allow themselves the liberty to enquire into these matters, they presently see through all this Tiffany Sophistry, and find the thing still carried on is meer blind Obedience; although in following the conduct of such self-interested Leaders they run themselves into continual Difficulties. If a man be satisfied in his Conscience, the Pope hath no *Deposing power*, according to the Rules of their own best Casuists, he may lawfully abjure it.

The truth required in an Oath, saith Cardinal Tolet, is, that by which a man speaks that which he thinks in his heart; and to swear falsely is, to swear otherwise then one thinks. And to swear otherwise then a thing

Summa
Cas. lib. 4.
c. 21. n. 3.

really is, provided he think it to be so, is neither mortal nor venial sin; but (1.) in case a man hath not used diligence to enquire; and to this he doth not require the utmost, but onely some and convenient diligence: (2.) if he be doubtfull in his mind when he swears, and yet swears it as certain: (3.) when he is ready to swear, although he knew the thing to be otherwise.

Suarez De
virtut. Re-
lig. To. 2.
tract. 4.
l. 1. c. 9.
n. 4.

Suarez saith, that in an Assertory Oath, the Truth confirmed by it lies in the conformity of the Assertion to the mind of the Speaker, rather then to the Thing it self; so that if a man thinks it false which he swears, although it be really true, he is guilty of Perjury: and so on the contrary, if a man swears a thing really false, which he invincibly thinks to be true, he is not guilty of Perjury, but swears a lawfull Oath, according to the doctrine of S. Augustine and S. Thomas. By invincibly, Suarez means no more then Tolet doth by thinking so after convenient diligence. For Suarez lays down this Rule afterwards, that, When a man swears what is really false, but he thinks it true, if his thinking be joyned with sufficient care, and a probable opinion of the truth, (mark that) he is free from the guilt of Perjury. This he saith is the common and expresse Doctrine, and built upon this ground, Because the Truth and Falshood of an Oath doth not so much relate to the Matter sworn, as to the Mind and Conscience of him that swears.

l. 3. c. 5.
n. 3.

Soto De ju-
stit. & jure
l. 8. quest.
2. art. 3.
concl. 6.

Dominicus Soto determines this case very plainly: If a man swears that to be true, which he thinks so, after due enquiry, though it be false, he doth not sin at all. And the measure of diligence he proportions to the nature and quality of the Thing, which is therefore left to prudence and discretion.

Jacobus

Jacobus de Graffius hath this Assertion; He that swears a thing to be true, which he thinks so, although it be really false, sins not, unless he neglected to use that diligence which he was bound to use: and according to the greatness of that neglect, the measure of his sin is to be taken.

*Jacob. de Graffius de-
cis. aure.
l. 2. c. 16.
n. 8.*

Greg. Sayr saith, that to a lawfull Assertory Oath no more is required, then the agreement of what a man saith with the inward sense of his mind, according to the reasonable judgment a man passes upon what he swears. Which words are taken out of *Gregory de Valentia*.

*Sayr Clav.
Reg. lib. 5.
c. 4. n. 2.*

Qui non videt, vel dubitat esse falsum quod jurat, perjurus non est, saith *Vasquez*; He that doth not see, or doubt that to be false which he swears, is not guilty of Perjury. Which words are quoted and approved by *Layman*; because all Perjury must have its foundation in a Lie. And, saith he, he that swears in an Assertory Oath, doth not affirm the certainty of his own knowledge, but directly the very thing which he swears. Nay he farther saith, that where the Matter sworn is capable of no more then Probability, a man may lawfully swear the truth according to that degree of certainty which the thing will bear; although it should happen to be otherwise then he thinks.

*Greg. de
Valentia
Tom. 3.
Diff. 6.
quest. 7.
punct. 3.
Vasquez. 1.
2. Disp.
127. c. 3.
Layman
Theol.
Mor. l. 4.
tr. 3. c. 14.
n. 4. 5.*

So that, according to the common and received Doctrine of their own *Casuits*, the foundation of this Second Treatise is false, (as might be shewed by many more testimonies, if these were not sufficient,) which is, That since this Doctrine about the *Pope's Deposing* power hath no infallible certainty in it, a man cannot attest the truth or falshood of it by an Oath.

Which was the more surprizing to me, considering how

how usual it is among your selves, to swear to such Opinions of which you cannot pretend to infallible certainty by any evidence of Faith, or authoritative Decision of the Church. What think you of the *Doctrine* of *Thomas Aquinas*? are there no mere Opinions, undecided by the Church, in his Works? is there infallible certainty in of all them? I do not think any *Jesuit* in the world will say so, for a reason every own knows; because his *Order* holds the direct contrary in some Points. And yet the *Dominicans* swear to maintain *S. Thomas* his *Doctrine*. What think you of the *Immaculate Conception*, which so many *Universities* have sworn to maintain, as *Luc. Wadding* hath shewed at large? and yet all these Oaths were made before any authoritative Decision of the Church.

Legatio de
Concept.
Virg. Ma-
riz tract.
13.

Third
Treatise
par. 65.
& 68.

Wadding
P. 402.

One of you hath found out an evasion for this, by saying, that *it is one thing to swear to maintain a Doctrine as true, and another to swear to it as true*. I cry you mercy, Gentlemen: I had thought no persons would have sworn to maintain a falshood; or to defend that as true, which at the same time they believed or suspected not to be true. Why may not you then swear that you will maintain, *the Pope hath no Power to depose Princes*, when your *Prince* requires it, as well as swear to maintain the *Immaculate Conception*, when the *University* requires it, whatever your private Opinion be? But to prevent this subterfuge, *Wadding* saith from *Surius*, that *the University of Mentz would admit none to any degree in Divinity, without swearing that he would neither approve nor hold in his mind any other Opinion*. What think you now of swearing to the truth of an Opinion not decided by the Church,

Church, upon the best probable reasons that can be given for it? And therefore all this outcry about *Perjury*, was onely to frighten and amuse, and not to convince, or satisfy.

The rest of that *Treatise* consists of impertinent Cavills against several Expressions in the *Oath of Allegiance*; which ought to be understood according to the *intention* of the *Law-givers*, the *reason* and *design* of the *Law*, and the *natural sense* of the *words*: and if they will but allow these as the most reasonable ways of interpreting Laws, all those Exceptionous will be found too light to weigh down the balance of any tolerable judgment, and have been answered over and over from the days of *Widdrington* to the *Author* of the *Questions*; and therefore I pass them over, and leave them to any who shall think it worth their pains to make a just Answer to them.

The *Third Treatise* is written by a very *Considering* man, as any one may find in every Page of it. He bids his Readers *consider* so much, as though he had a mind to have them spend their days in *considering* the *Oath*, without ever *taking* it. As he had, that desired time to *consider* the *Solemn League and Covenant*; and when he was asked, how long time he would take for it, he told them, but a little time; for he was an old man, and not likely to live long.

But what is it which this person offers, which is so *considerable*? His main Argument is, *from the Pope's Authority prohibiting the taking this Oath expressly, at several and distant times, and after the most ample information, and the Writings on both sides*: it being a *thing belonging to the Pope's Authority, as Spiritual*

Third
Treatise,
p. 46, &c.

Governour, and not to the Civil Power, to determine. This is an Argument I must leave to those to answer, who think themselves obliged to justify the *Pope's Authority*, and to disobey it at the same time.

Warming-
ton's Mo-
derate De-
fence, pag.
44.

To this some answer, "That the *Pope's Prohibiti-*
" *on* proceeding on a *false Supposition*, and a *private*
" *Opinion* of his own, *viz. that there are some things*
" *in the Oath repugnant to Faith*, they are not bound
" to obey it; because it belongs not to the *Pope*,
" without a *Council*, to determine matters of Faith:
" That the *Popes* have sometimes required very un-
" just and unreasonable things, of which *Warmington*
" gives some notable instances of his own knowledge:
" That *Obedience* to all Superiours is limited within
" certain bounds, which if they exceed, men are not
" bound to obey them: That the very *Canonists* and
" *Schoolmen* do set bounds to the *Pope's Authority*:
" as (1.) when great mischief is like to ensue by his
" *Commands*; so *Francisc. Zabarell, Panormitan, Syl-*
" *vester*, and others: (2.) when injury comes to a
" third person by it; so *Card. Tolet, Panormitan, So-*
" *to, &c.* (3.) when there is just cause to doubt the
" Lawfulness of the thing commanded; so *Pope Adri-*
" *an, Vasquez, Navarr*, and others cited by *Widdring-*
" *ton*: (4.) when he commands about those things
" wherein he is not Superiour; so *Tolet* determines,
" *A man is onely obliged in those things to obey his Su-*
" *perieur, wherein he hath Authority over him.* Now,
" say they, we having just cause to doubt, whether
" the *Pope* may command us in things relating to our
" *Allegeance*, and apparent Injury coming to Prin-
" ces by owning this Doctrine, and much Mischief
" having

Widdring-
ton advers.
Schulken.
p. 194, &c.

“having been done by it, and more designed, as the
 “*Gunpowder-Treason*, the true Occasion of this *Oath*:
 “it is no culpable Disobedience to take the *Oath* of
 “*Allegiance*, notwithstanding the Pope’s Prohibiti-
 “on. And upon the very same Grounds and Reasons
 “which made the King’s Royal Ancestours, with
 “their Parliaments, to limit the Pope’s Authority in
 “*England*, in the ancient Statutes of *Provisors* and
 “*Premunire*, His Majesty’s Grandfather might, with
 “his Parliament, enact that Law which requires the
 “taking of the *Oath* of *Allegiance*: and how comes
 “such Disobedience in *Temporals*, say they, to be now
 “more repugnant to *Catholick Religion*, then it was
 “in those days? Nay, in those times it was good Doc-
 “trine, that when a Dispute arose, whether a thing
 “did belong to the Civil or Ecclesiastical Power to
 “judge, the Civil Power hath made Laws, and de-
 “termined it, and the Subjects did submit to the
 “Civil Authority.

Reflections on the Oaths of Supremacy and Allegiance, n. 98.

This and much more might be said to shew the in-
 consequence of this Argument, upon which the stress
 of the *Third Treatise* lies: but I leave the full Answer
 to those that are concerned. The plainest, shortest
 and truest Answer is, That the Pope hath no Juris-
 diction over us, either in *Spirituals* or *Temporals*. But
 this is sufficient to my purpose, to shew, that if they
 would renounce the *Pope’s Deposing power*, there is
 nothing else, according to the Principles of their own
Religion, could hinder them from taking the *Oath* of
Allegiance.

Which is in effect acknowledged at last by this An-
 thour of the *Third Treatise*, when he offers a new

Third Treatise par. 50.

Form of an Oath, rather more expressive of Civil Obedience then the Oath of Allegiance. Are not Princes mightily obliged to you, Gentlemen, that take such wonderfull care to have a *more expresse Oath* then this already required by *Law*? How comes this extraordinary fit of Kindness upon you? Do you really think the *Oath of Allegiance* defective in this point? No, no. We know what you would have: *If we can get but this Oath out of the way, the same interest which can remove this, will prevent another; as some argue about other matters at this time.*

Well, but what *Security* is this which you do so freely offer? First, *You are ready to swear, without any Mental reservation, that you acknowledge our Sovereign Lord CHARLES the Second to be lawfull King of this Realm, and of all other His Majestie's Dominions.* A wonderfull Kindness! While the old Gentleman at *Rome* pleases, you will doe this: but suppose he should declare otherwise, what think you then? Will you then own him to be *lawfull King*, in spite of the *Pope's Excommunication, and Sentence of Deposing*? Speak out, Gentlemen; why do you draw in your breath, and mutter to your selves? will you? or will you not? If you will, why do ye stick at the *Oath of Allegiance*? If you will not, is not *His Majesty* much obliged to you, that you will own Him to be *lawfull King* as long as the *Pope* pleases?

But you go on, *That you renounce all Power whatsoever, Ecclesiastical or Civil, domestick or forein, repugnant to the same.* What doth this *same* relate to? *to his being lawfull King, or to your acknowledgment of it*? If you meant honestly without reservation, why could

could ye not speak plainly, in saying, *that ye renounce all Power of the Pope as to the Deposing the King, and Absolving His Subjects from their Allegiance?* If this be not your meaning, it is a falsity to say, *you swear without any Mental reservation*, when in the mean time you *reserve the Pope's Power to depose the King*, and then he is no longer a *lawfull King* to you. So that till you in plain terms renounce *this Power of the Pope*, all other *Forms* are mere shuffling, and full of tricks and equivocations, on purpose to amuse the unwary Reader.

But you would have us think you come home to the point in the last Clause, wherein you declare *that Doctrine to be impious, seditious and abominable, which maintains, that any private Subject may lawfully kill or murder the Anointed of God, his Prince.* Now, say you, *let any one judge, Protestant or Catholick, whether these foremention'd Clauses are not more, at least as expressive of Civil Allegiance, as the ordinary Oath is.*

Not too fast, good Sir; the world is not so easily cheated as it hath been. Would you indeed have us believe this to be as good Security as the *Oath of Allegiance*, when some of the greatest Defenders of the Deposing power would say as much as this comes to, *that it is impious and abominable for a private Subject to kill or murder his Prince?* But when the Pope hath Deposed a Prince, those that were *Subjects* before, according to your Opinion, cease to be so: and *the same person* may lawfully kill or murder his Prince, although not *the same Subject*, because the relation is alter'd, by virtue of the Pope's Sentence. Besides,

Refle-
ctions on the
Oaths of
Suprema-
cy and Al-
legiance,
n. 110.

this reaches onely to the case of a *private Subject*, and not to the *Power* of the *People* or the *Pope*. That may be thought unlawfull to be done by a *private person*, without *power* and *commission*, which may be thought lawfull when he doth it by *Authority* derived from others. So that this *Form* can give satisfaction to none but such as will be satisfied with any thing. For it doth not at all touch upon the main business; but is in truth an equivocal, deceitfull and sophistical Form. For, as the *Authour* of the *Reflections* saith very well, *Princes are little advantaged by such an Oath, wherein the Swearers say, Princes may not be murdered or killed by their Subjects, unless they say withall, they may not be Deposed (by the Pope:)* For whosoever hath a Supreme just Right upon any pretence whatsoever to Depose Princes, hath thereby Right to cause them to be killed, in case they by arms oppose the execution of the Sentence. And can it be imagined, that any Prince, judged an Heretick or otherwise guilty by the Pope, and by him sentenced to be Deposed, will thereupon quietly descend out of his Throne, and yield up his Scepter to one of a contrary Religion? Or rather, is it not most certain, that they will not, but, on the contrary, bring with them many thousands of their armed Subjects, to resist the execution of such a Sentence, all which together with them must be killed or murdered, before it can have its full effect?

But this is not the onely thing wherein you design to put tricks upon your Readers; it would take up too much time for a Preface to lay them all open; yet some of them are too gross to be passed by. As
when

when the *Authour* of the *First Treatise* would have his Reader believe the *Publisher* of the *Fasciculus re-*
rum expetendarum & fugiendarum to have been a Pro-
testant; when any one that looks into the *Book* may
 find, it was set forth by *Ortwinus Gratius*, a known
 and fierce *Papist*: and when the *Authours* of the two
 other *Treatises* both assert, that *Sanctarellus* his *Book*
 was condemned at *Rome* before it was condemned at
Paris. I stood amazed at the impudence of this as-
 sertion, when I read it in the *Second Treatise*; but
 much more when I saw it confirmed in the *Third*. I
 looked once and again on the *Roman Index Expur-*
gatorius, and examined the *Decrees* of the *Congrega-*
tion; but I could find no *Sanctarellus* ever condemned
 there. But looking into *Sanctarellus* himself, I found
 the *Book* so far from being condemned, that it came
 forth with the *Approbation* and *special Licence* of *Mu-*
tius Vittelescus, then *General* of the *Jesuits Order*,
 bearing date at *Rome* May 25. 1624.

I pray mark it, Gentlemen; the *General* of the
Jesuits at that time gave this *Licence* to a *Book* writ-
 ten by one of that *Order*, wherein he shews, that
Princes may be *Deposed*, not onely for *Heresie*, but for
other Faults, for *Negligence*, if it be *Expedient*, if they
 be thought *Insufficient*, if *Unusefull*, or the like. And
 yet you would bear us down, that your *Order*, many
 years before, was prohibited writing or teaching any
 thing about this matter. Some such temporary *Order*
 is talked of in the time of *Claudius Aquaviva*, when
 the clamours were so great against the *Jesuits* for as-
 serting this *Doctrine*. Yet that *Prohibition* extended
 no farther, then to teaching it to be lawfull for any per-
 son.

First Trea-
tise, p. 5.

Second
Treatise,
pag. 32.
Third
Treat.
p. 88.

Third
Treat.
p. 130.

son to kill Princes under a pretence of Tyranny. What is this but meer artifice and collusion? It is *not to be taught*; but they may *think* as they please: *not lawfull for any person*; but it doth not deny it to be lawfull to persons *authorized by the Pope*, after he hath Deposed them. So that there never was any Prohibition of teaching *the Pope's Deposing power* as to *Princes*. But suppose there were, you very well know of how little force such an Order is, when that *General* is dead, and another succeeds; as appears by this very *Licence of Mutius Vittelescus*. Have a little pity upon us, Gentlemen, and tell somewhat more probable Untruths than this, *that your Order is forbidden to meddle with these Points*. So it seems indeed by the *Authour* of the *First Treatise*, who was under some very *strict Prohibition*, without doubt, which made him, out of the *crosseness* of humane nature, so free to vent his opinion.

But to give you a little more satisfaction about this *Book* of *Sanctarellus*: It was not onely approved by the *General* of the *Jesuits*, but by *Alexander Victricius* and *Vincentius Candidus*, and printed by *Order* of the *Master* of the *Pope's Palace*. Call you this the *Condemning* of it at *Rome*?

But for all this, the *Authour* of the *Third Treatise* quotes *Spondanus* for it. The plain truth of the story is this: *Sanctarellus* his *Book* coming to *Paris*, met with so ill reception there, that it was condemned by the *Sorbon*, burnt by *Order* of the *Parliament*, and the *Jesuits* hard put to it upon very strict Examinations, wherein they shuffled and shewed all the Tricks they had: but these would not serve their turn,

turn, they are commanded to disown and confute this Doctrine. *Pierre Coton*, upon whom the main business lay, being too hard set, made a shift to escape the difficulty of his Province by dying. Notwithstanding this, the *Doctours* of *Sorbon* would not let the business die with him, but renewed it the beginning of the next year: upon which the *King* sent the *Bishop* of *Nantes* to them, to let them know they had done enough in that matter, the *Book* being condemned, and the *Pope* having forbidden the sale of the *Book* at *Rome*. A very wonderfull Condemnation of it, that a *Book* should be forbidden to be sold, and at *Rome* too, and that so long after the publishing of it, and when all that had a mind to it were provided already; without any Censure upon the *Author* or *Doctrine*! Who dares talk of the Severity of the *Court* of *Rome*? Could any thing be done with greater Deliberation, and more in the spirit of Meekness, and to less purpose, then this was? But after all, this doth not to me look any ways like the Condemning of it at *Rome*, before it was burnt at *Paris*; and I suppose upon second thoughts you will be of my mind.

But you will tell me, *you did not expect to hear of these things in print*. That may be, for we live in an Age wherein many things come to pass we little thought of. For I dare say, you never thought these Papers would have come into my hands: but since they did so, I could not envy the publick the benefit I receiv'd by reading of them; hoping that they will contribute much to the satisfaction of others, at least in this one point, *that you hold the very*
f
same

same Principles about the Pope's Power of deposing Princes, and absolving Subjects from their Allegiance, that ever you did. And therefore I conclude, it would be great weakness to recede from our Legal Tests against the men of such Principles, for any new Devices whatsoever.

Feb. 13. 167⁶

THE

THE
JESUITS
LOYALTY.

f 2

THE

(1)
THE
FIRST TREATISE
AGAINST THE
OATH of ALLEGEANCE.

The Conclusion to be proved.

It is not lawfull to take any Oath or Protestation, renouncing the Pope's Power, in any case whatsoever to depose a Christian Prince, or absolve his Subjects from their Allegiance.

The Proof.

MY Reason is, Because the Opinion that the Pope hath no such Power is Erroneous in faith, Temerarious, and Impious. Which I prove thus.

That Opinion which must suppose that the Church hath at some time been in a damnable Error of Belief, and Sin of Practice, is Erroneous in faith, Temerarious, and Impious.
But this Opinion is such.
Ergo.

B

The

The First Treatise against

The Major, I suppose, will not be denied by any Catholick : because that were to suppose that the Church hath at some time ceased to be a Catholick and Holy Church : which were Herefy to suppose possible.

The Minor is proved.

If the Church at some time hath believed, and supposed as certain, that the Pope hath such a Power in some case, and upon that belief and supposall hath exercised it in her supremest Tribunals; and if her Errour (supposing she erred in it) was a damnable Errour, and her Practise (if unlawfull) a mortal Sin : then this Opinion must suppose, that the Church hath, &c.

But the Church hath at some time so believed and practised, and (if amiss) it was a damnable Errour and Practise.

Ergo.

The Sequele of the Major is evident *in terminis*.

The second part of the Minor is likewise evident: because it was a Doctrine enormously injurious to the Right of Princes, (to withstand which is a damnable sin, *Rom. 13.*) and cause of much deadly feud betwixt the Church and Secular States, of many bloody Wars of Princes one against another, and wicked Rebellions of Subjects against their Princes.

For the first part of the Minor, if I shew,

1. That Popes have taught it as sound Doctrine, proving it from Scripture, and Tradition; and condemned the contrary, as erroneous in faith, pernicious to salvation, wicked folly and madness, and inflicted Censures on them that held it :

2. That

2. That Popes have, in the highest Tribunals of the Church, deposed Sovereign Princes, and absolved Subjects from their Allegiance; and this with the advice and assent of their Councils, and not onely Patriarchal, but sometimes even General:

3. That Popes, and General Councils by them confirmed, have denounced Excommunication to such as should obey their Princes after such Sentence of Deposition, and Absolution of their Subjects from their Allegiance:

4. That a General Council, confirmed by the Pope, hath made a Canon-Law, regulating the manner of Deposing Princes in some case, and Absolving their Subjects from their Allegiance:

5. That all Catholick Divines and Casuists that have treated of it, from the first to the last, (afore Calvin's time) in all the severall Nations of Christendom, have asserted this Power of the Pope, without so much as one contradicting it in all that time:

6. That all Catholick Emperours, Kings, (yea even they that were deposed,) States, Magistrates, and Lawyers, and finally all the Catholicks in the world for the time being, have (by tacit consent at least) approved and received this Doctrine of Popes, Divines, and Casuists, and these Censures, Canons, and Practices of Popes and General Councils:

I say, if I shew all this, I hope it will be granted a sufficient Proof, That the Church hath at some time so believed, taught, and practised.

Now to shew this, among a multitude of Instances, I shall name some few of the principal. As,

1. In Anno 1074. S. Gregory VII. (a most holy and learned Pope ^a, who, for his Sanctity and Miracles was canonized for a Saint ^b,) threatned *Philip* the French King, that unless he abstained from his Simoniackall felling of Bishopricks, he would excommunicate him, and all his Subjects that should obey him as King; which he counted none would, after such Sentence, but Apostates from Christianity ^c. And that King hereupon submitted to the Pope, and amended his fault ^d.

elegimus nobis in Pastorem, Virum religiosum, geminæ scientiæ prudentiâ pollentem, aequitatis & justitiæ præstantissimum amatorem, bonis moribus ornatum, &c. Registr. Greg. 7. in init. ^b *Gratiâ miraculorum, & prophetiæ, erat omnibus admirabilis.* Binius in Vir. Greg. 7. *Eundem, sicut in vita, ita & post mortem claruisse miraculis, Bibliothecarius ejus temporis absque ulla dubitatione confirmat.* Baron. ad ann. 1085. n. 11. *In album Sanctorum relatus, universali memoriâ nomine celebri perseverat.* Id. ib. ^c *Aut Rex ipse, repudiato turpi Simoniack hæreseds mercimonio, &c. aut Franci pro certo (nisi fidem Christianam abicere maluerint) generalis anathematis mucrone percussit, illi ulterius obtemperare recusabunt.* Greg. 7. l. 1. ep. 35. *Si in perversitate studiorum suorum perseveraverit, Nos in Romana Synodo, à corpore S. Ecclesiæ ipsum, & omnes quicunque sibi Regalem honorem vel obedientiam exhibuerint, sine dubio sequestrabimus.* Id. l. 2. ep. 18. ^d *Significasti nobis per literas & legatos tuos, te B. Petro devotè ac decenter velle obedire, &c.* Id. l. 1. ep. 36.

2. In Anno 1076. the same holy Pope, in a Patriarchal Council of Rome, wherein were present 110 Bishops, with the advice, and upon the importunity, of the whole Synod ^a, deposed *Henry IV.* King of the Germans, and absolved his Subjects from their Oath of Allegiance to him ^b. And did it *ex Cathedra*, as Vicar of Christ, and Successour of S. Peter,

sententiam protulit. Author Vir. S. Ansel. Luc. a Writer of that Age. *Cunctis qui conveniant Episcopis id fieri decernentibus, Regem excommunicat.* Lambert. *Cunctis acclamantibus nè talis contumelia inulta remaneret, omnium consilio & consensu, Henricum, Synodali judicio damnatum, Regisque honore & nomine privatum, anathematis gladio percussit.* Bruno Histor. belli Saxon. a Writer of that Age. ^b *Henrico Regi omnem potestatem & dignitatem Regiam tollo, totiusque Regni Teutonicorum & Italiæ gubernacula contradico; & omnes Christianos à vinculo juramenti quod sibi fecere absolvo.* Greg. 7. l. 3. ep. 6.

the Oath of Allegiance.

V

in virtue of the Power of binding which *Christ* gave to him in *S. Peter* ^c.

^c B. Petre,
mibi tuâ gra-
tiâ est pote-

stas à Deo data ligandi atque solvendi in cælo & in terra. Hâc itaque fiduciâ fretus, ex parte Omnipotentis Dei, Patris, & Filii, & Spiritûs Sancti, per tuam, B. Petre, potestatem & authoritatem, Henrico Regi, &c. ut supra.

And this Sentence he published in a Breve, to all the Princes, Prelates, and people of the Empire ^a. And it was published by his Legates in several Nations of Christendom ^b; and confirmed afterward in divers National Councils ^c. And after his death, was confirmed by the three Popes that succeeded him, during that King's life ^d. And the Catholick Subjects of that King obeyed it; and such as denied the Pope's Jurisdiction to depose the King, were by the Catholicks called Hereticks and Schismaticks, and had the name of *Henriciani* *. Yea, even the King himself, in his Letter to the Pope, wherein he complained of the Sentence, denied not the Pope's Jurisdiction to depose him if he had been an Heretick; but pleaded he was no Heretick, in which case alone the tradition of holy Fathers (as he said) allowed the Deposition of Kings by the Pope ^f. Nay, and even that Cardinal Villain, *Beno*, (Ring-leader of the Schismaticks) in that Libell against the Pope, wherein he raked together all the matters he could to make him odious, and particularly accused his de-

^a Greg. 7.
l. 4. ep. 23.
^b Baron. ad
ann. 1084.
n. 10. & ad
ann. 1094.
n. 17, &c.
^c Triburien-
se, Quintili-
niburgense,
Ostionense,
Claramonta-
num, Ro-
man. 7. 8. 10.
^d Victor III.
Urbanus III.
Paschalis II.
* *Adversarii
nostri, quam-
vis ipsi exti-
verint à no-
bis, non nos ab
ipsis, tamen
dicere solent,
Nos Catholi-
ci sumus, nos
in Unitate
Ecclesie su-
mus. Unde*

Scriptor illius Epistola appellat eos qui sunt in parte sui Gregorii, Catholicos; nos, Schismaticos, Hereticos, & Excommunicatos. Vercellens. de Unit. Eccles. a Bishop of the King's party. Hoc decretum (Synodi Quintilimburg.) contra Henricianos, qui fideles S. Petri (meaning the Catholicks) constringere voluerunt, ut Excommunicationem D. Papæ unâ cum illis retrahere presumerent. Bertold. a Writer of that Age. f Me quoque, quem Sanctorum Patrum traditio soli Deo judicandum docuit, nec pro aliquo crimine, nisi à fide (quod absit) exorbitaverim, deponendum censuit, &c. Epist. Henr. 4. ad Greg. 7. set out by a Protestant, in Fascic. rerum ex petendarum.

posing

^a Imperato-
rem, (so his
own party
called him)
in nulla Sy-
nodo Canoni-
cè accusa-
tum, præci-
pitanter ex-
communica-
vit; in qua
Excommuni-
catione nullus
Cardinalium
subscripsit,
Ecce. Beno-
de Vit. Hil-
debrand. in
the afore-
said Falci-
culus.

^b Eodem an-
no, (1080.)
condito,
tam ab ini-
micis quam

amicis Imperatoris, alloquio, in Thuringia, conveniebant ex utraque parte quicunque sapi-
entissimi de Optimatibus judicabantur, Canonum autoritate probaturi, cui parti iustitia
faveret; Imperatore tamen absente; sic enim ipse consensit. Elektis, hinc Wecilone Mo-
guntino, illinc Gebehardo Saltzburgerensi, disputatio cæpta est. Affirmat Gebehardus,
(proponente hoc prius Wecilone) Imperatorem non injusto iudicio, tam Regno, quam Com-
munionem, Apostolici Sententiâ, privatum. E contra Wecilo, Dominum suum, præjudici-
um non minus à Papa quam à Principibus passum, contendit, dum ipso ad Canonicum in sa-
tisfactionem posito, imò jam à Papa in communionem recepto, alterum super se Regem ele-
varent. Adjecit etiam, quòd Imperator, diu jam à Saxonia depulsus, & regnandi copiâ,
etiam ab illa diffensione quæ ante Rodolphum facta describitur, spoliatus, nec vocari,
nec judicari Canonicè debuisse, Ecce. Ursperg. ad ann. 1080.

posing the King, yet accused it not for being done
without Jurisdiction, but onely that he did it *contra*
ordinem juris^a. Finally, in a Diet of the Empire, cal-
led on purpose to decide, by the Canons of the
Church, which had the juster cause, the Pope or the
King, where met the wisest of the Princes and Pre-
lates of the *German* nation, of both parties, the Arch-
bishop of *Saltzburg* (Prolocutor of the Pope's party)
alledged, and shewed by the Canons, that the De-
position was just. To which was answered by the
Archbishop of *Mentz*, (Prolocutor of the King's
party) that the Pope and Princes had done the
King injury, in that he being at *Rome*, performing
his penance injoyn'd him by the Pope, they had set
up another King (*Rodulph*) against him. And he
added, that by the Canons, the King being *spoliatus*,
could not be condemned, or cited, till he were re-
stored to possession^b. So here was no plea then a-
gainst the Pope's Jurisdiction, no not by the King's
own Advocates.

3. The same holy Pope did not onely believe,
and suppose this Doctrine to be most certainly true
and sound, (as he shewed by his practice of it;) but
did formally teach it to the Church, by Canons pu-
blished

blished in a Patriarchal Council at Rome^a, and to the German Prelates that consulted him of it, and prove it to them from Scripture and Tradition^b; and by S. Peter's authority, exhorted and required all Subjects of the Empire, to obey and execute the Sentence, by resisting the deposed King: putting them in mind, that it is a sin as bad as Idolatry, to disobey S. Peter's See^c: and termed it no less then wicked and damnable folly and madness, to deny that Power to be in the Pope^d.

^a *Dictatus*
Papa, in
Concil. Ro-
man. 3. ann.
1076.

1. Quod Pa-
pa liceat Im-
peratorem
deponere.

2. Quod à fi-
delitate ini-
quorum
Subditos po-
test absolve-
re.

^b *Quod postulasti, te nostris scriptis quasi juvari, & communiri, &c. non adeò necessarium nobis videtur, cum hujus rei tam multa ac certissima documenta in Sacrarum literarum paginis reperiantur, &c.* citing the Scriptures. L. 8. ep. 21. *Eos qui dicunt, Regem non oportet excommunicari, &c. ad Sanctorum Patrum dicta vel facta mittimus. Legant itaque, &c. Considerent cur Zacharias Papa Regem Francorum deposuerit, & omnes Francigenas à vinculo juramenti quod sibi fecerant absolverit. In Registro B. Gregorii, &c. l. 4. ep. 2.* ^c *B. Petri auctoritate, ei (Henrico Regi) resistere, & totius Regni gubernacula contradicendo, &c. illud semper habentes in memoria, quia scelus Idololatría committit, qui Apostolica Sedi obedire contemnit. L. 4. ep. 23.* *Contra eorum insaniam, qui nefando ore garriunt, Auctoritatem Apostolica Sedis non potuisse Regem Henricum excommunicare, nec quenquam à Sacramento fidelitatis ejus absolvere. Neque enim credimus eos, qui, ad cumulum suae damnationis, veritati impudenter deirabunt & contradicunt, hæc ad suae defensionis audaciam, tam ignorantia, quam misera desperationis vecordia, coaptasse. Id. ibid. Eos qui dicunt, Regem non oportet excommunicari, licet promagna fatuitate, nec etiam eis respondere debeamus; tamen ne impatienter eorum insipientiam præterisse videamur, &c. L. 4. ep. 2.* ^d *Si B. Gregorius, Doctor utique mitissimus, Reges qui Statuta sua super unum xenodochium violarent, non modo deponi, sed etiam excommunicari, atque in aeterno examine damnari decrevit: quis nos, ipsius matris Ecclesiae, quantum in ipso est, conculatorum, deposuisse & excommunicasse reprehendat, nisi forte similis ejus? L. 8. ep. 21.*

4. In Anno 1215. the Council of Lateran (an undoubted General Council, and the greatest for number of Prelates that ever was) settled a Rule to be observed in the deposing of Princes, and absolving their Subjects from their Allegiance, in case they be negligent in purging their Land from Hereticks.

^e *Moneantur seculi potestates, &c. Si vero Dominus temporalis requisitus, & monitus ab Ecclesia, terram suam purgare neglexerit ab hac haeretica seditione, per Metropolitanum & Conprovinciales Episcopos Excommunicationis vinculo innodetur. Et si satisfacere contempserit infra annum, significetur*

cetur hoc Summo Pontifici, ut extunc ipse vasallus ab ejus fidelitate denunciaret absolutus, & terram exponat Catholicis occupandam, qui eam, exterminatis Hereticis, sine ulla contradictione possideant; salvo jure Domini principalis, dummodo super hoc ipse nullum præstet obstaculum. Eadem nihilominus lege servatâ circa eos qui non habent Dominos principales. Cap. 3. de Hærec.

And the Canon was made in the presence, and with the consent of both the Emperours, (*Greek and Roman*) and the greatest part of the Kings and Princes of Christendome, and of the Embassadors of the rest.

Ans. 1. Those that goe under the name of the Canons of this Council, were not decreed by the Council, but onely published for Canons of it by *Gregory IX.*

Repl. It is against reason to imagine, that Holy and Learned Pope would commit so gross a forgery, and in matters of that high concern, and at a time so soon after the Council, as the greatest part of the Prelates that assisted at it were living, to confute it, and protest against it; the Decretals of that Pope being published within twelve years after that Council.

Ans. 2. All Historians of those times testify, no Canons were made in that Council, except one or two about the Recovery of the Holy Land, and the Subjection of the *Greek Church* to the *Roman*.

Repl. Not one Historian testifies any such negative.

Ans. 3. This Decree was not found among the other Acts of the Council for 300 years.

Repl. It was always among the other Canons in the Decretals of *Gregory IX.* published within twelve years after the Council: and in the first Copy that was printed of the Canons of that Council, this was one;

one; and *Cochleus*, that sent the Copy of it to the Printer, said, it had been long agoe written out of an ancient Book^a.

Answ. 4. This Canon names not Sovereign Princes, but Lords onely.

Repl. It names Lords, *qui non habent Dominos principales*, which can be none but Sovereign Princes.

5. In *Anno* 1245. Pope *Innocent* IV. in a General Council at *Lyons*, by a formal definitive Sentence, published in the Council, and approved by all the Prelates, deposed the Emperour *Frederick* II^d. and absolved all his Subjects from their Oath of Allegiance: and not onely that, but by his Apostolick authority, inhibited them to obey him as Emperour or King, and not to advise or aid him as such, under pain of *Excommunicatio latæ sententiæ*. And he grounded his authority for it upon that Text, *Quodcunque solveris*, &c^a. And it was afterward inserted into the Canons of the Church. And it was not given precipitately, or in passion, but upon consult first had with divers of the most able Divines, that were at the Council, and after mature debate in divers Consistories, in which some of the Cardinals pleaded as Advocates for the Emperour, and others answered them; insomuch as the Pope could not remember that ever any cause was discussed with more exact-

^a *Mitto Decreta Concilii Lateranensis olim ex antiquo descripta Codice. Jo. Cochl. ep. ante Concil. Lateran. ap. Crab.*

^a *Nos cum fratribus nostris & sacro Concilio deliberatione præhabita diligenti, cum Jesu Christi vices teneamus in terris, nobisque in B. Petri persona sit dictum.*

tum, Quodcunque solveris, &c. memoratum Principem, suis ligatum peccatis, & abjectum, omnique honore & dignitate privatum à Domino ostendimus, denunciamus, ac nihilominus sententiando privamus: omnes qui ei juramento fidelitatis tenentur astricti, à juramento hujusmodi perpetuò absolventes: autoritate Apostolicâ firmiter inhibendo, nè quisquam ei de cætero tanquam Imperatori vel Regi pareat; & decernendo quolibet, qui deinceps ei velut Imperatori aut Regi consilium aut auxilium præstiterint, ipso facto Excommunicationis vinculo subiacere, &c. In Actis Concil.

^b Matth. Paris. in Henrico 3.

^c *Video quod ad confusio- nem meam aspirat Papa,nec Sacrum decet Imperium maxime ad- versanti ju- dicio sissi Sy- nodali. Id. ibid. ^d Id. ibid.*

ness and longer deliberation. And they proceeded to the Sentence with much unwillingness, and forced by necessity, (because they saw no other way, without offending God, the Church, and their own consciences,) and condoling his misery that was sentenced. All which the Pope himself wrote in a Letter to the *Cistercian* Abbots here in *England* ^b. And when the Pope objected in Council to the Emperour the Crimes for which he proceeded against him ; the Emperour's Advocate (a wise and eloquent man, Doctour of both Laws, and Judge in the Emperour's Court) pleaded to it, (not that the Pope had no Jurisdiction to depose the Emperour, but, which acknowledged the Jurisdiction) that the Emperour was not guilty of the Crimes objected, and namely, not of Heresie : and prayed respite for the Emperour, to make his defence in person. And the Embassadours of the Kings of *France* and *England* seconded his Petition, (which also was an acknowledging by them of the Pope's Jurisdiction to depose the Emperour :) and thereupon two weeks respite was granted. And when the Emperour heard of it, he refused to appear, (not because they had no Jurisdiction in the cause, but) because they appeared to be his Adversaries ^c. And upon that and other pretexts, appeal'd from that, to the next more General Council ^d. And this Sentence was (as I said) published with approbation of all the Prelates present in the Council, (which were to the number of 140 Archbishops and Bishops.) And in token of their concurring thereunto, after it was pronounced, all the Prelates lighting their Tapers, held them downward, and so put them out, and threw

threw them on the ground. And every one of them set his hand to the Bull of the Sentence *. And there were present at it, the other Emperour (of Constantinople,) the Embassadors of France and England, and of most other Christian States: and not one of them, no not the Emperour's own Advocate, opened his mouth against the Jurisdiction of the Court; onely he put in his Appeal from it, to the next more General Council; which is an acknowledging the Jurisdiction. Yea, and the Emperour himself, when the Sentence was reported to him, though he slighted it as unjust and frivolous †, yet he never excepted to it as given *à non Judice*. And the King of England, and the French King (Lewis IX. afterwards Canonized for a Saint,) and their Nobles, justified the Sentence ‡; and the French King took upon him the protecting of the Pope's cause against the Emperour §.

* Id. ibid.

† Trithem. in Chron. Hirsang.

‡ Matth. Paris. in Henrico 3.

§ Paul. Æmil. in Vir. S. Ludov.

¶ In 6. Cap. 1. de Homicid.

6. In the same General Council of Lyons was made a Canonⁱ, That whatever Prince should cause any Christian to be murdered by an Assassin, he should *ipso facto* incur the Sentence of Excommunication, and Deposition.

7. In Anno 1606. Pope Paul V. by a Breve written to the English Catholics, declared, and taught them as Pastor of their Souls, That the Oath of Allegiance establish'd by Parliament 3. Jac. *salvâ Fide Catholicâ, & Salute animarum suarum, præstari non potest, cum multa contineat quæ Fidei ac Saluti aperte adversantur*. Now there are not in it *multa* to which this Censure is possibly applicable, unless this be one, That the Pope hath no Power to depose the King, or absolve his Subjects from their Oath of Allegiance.

Therefore this Proposition was condemned by that Pope, as *contra Fidem & Salutem animæ*.

8. In Anno 1648. Pope Innocent X. censured the Subscribers negatively to these Propositions. 1. *The Pope, or Church, hath power to absolve any persons from their Obedience to the Civil Government established, or to be established, in this Nation, in Civil affairs.* 2. *By the command or dispensation of the Pope, or Church, it is lawfull to kill, or doe any injury to, persons condemned or excommunicated for Heresy or Schism.* 3. *It is lawfull, by dispensation at least from the Pope, to break Promise or Oath made to Hereticks, to have done unlawfully, and incurred the Censures contained in the holy Canons and Apostolick Constitutions, contra negantes Pontificiam auctoritatem in causis Fidei.* Now there is none of these Propositions to which this Censure can reasonably be fastened, but the first onely; therefore that was thus censured.

9. This very last year, the now Pope, being consulted touching the lawfulness of taking the late Irish Protestation, in which is renounced this Power of the Pope, declared, That, *instar repullulantis Hydræ*, it did contain, *Propositiones convenientes cum aliis à Sede Apostolica olim reprobatis, signanter à fel. mem. Paulo V. per Constitutionem in forma Brevis, & nuper anno 1648. in Congregatione specialiter commissà ab Innocentio X. &c. Se graviter indoluisse, quòd per exemplum Ecclesiasticorum, tracti sint in eundem errorem Nobiles Seculares ejusdem Regni Hiberniæ; quorum Protestationem ac Subscriptiones pariter reprobabat; idque ad eximendas Catholicorum conscientias à dolo & errore quo circumveniuntur.*

10. That

10. That this hath been the common received Doctrine of all School-Divines, Casuists, and Canonists, from first to last, (afore *Calvin's* time) in all the several Nations of Christendome, yea even in *France* it self, yea even of those *French* Divines that were most eager for their Temporal Princes against the Pope, (as *Occam*, *Almain*, *Joann. Parisiens.* *Gerson*, &c.) you may see abundantly proved by that admirable man Cardinal *Peron*, in his Oration made in the name of all the Bishops of *France* to the Third Estate of Parliament. And it is convinced by this, That neither *Barclay*, nor *Widdrington*, nor *Caron*, nor any other Champion for the contrary Tenet, hath been yet able to produce so much as one Catholick Authour, (afore *Calvin's* time), that denied this Power to the Pope absolutely, (or in any case whatsoever:) as will appear by examining their quotations.

To conclude then.

This having been for some Ages (One, at least) the common Belief, Sense and Doctrine of the Church, according to which she hath frequently and avowedly practised and proceeded in her highest Courts, and inflicted her highest Censures upon the Opponents of it: If it be an Errour, the Church was at that time a wicked and blind Church, a Synagogue of Satan; the Pillar and Ground of Truth, and with it the whole Fabrick of Faith and Religion, shook and tottered. If it were no Errour, they that now call it an Errour, are wicked Catholicks, and in damnable Errour. Nor, though all the Doctours of Sorbon, all the Parli-

The First Treatise, &c.

Parliaments and Universities of France, all the Fryars or Blackloists in England or Ireland, all the Libertines, Politicians and Atheists in the world, should declare for it, could it ever be an Authority to make it a probable Opinion.

THE

(1)

THE
SECOND TREATISE
AGAINST THE
OATH of ALLEGEANCE.

Some few Questions concerning the
Oath of Allegiance, which have
now been publick for divers years,
reduced to one principall Question,
concerning the Substance of the
said Oath.

CHAP. I.

The Occasion and State of the present Question.

IN the year 1661. was published a small Treatise under
this Title, [*Some few Questions concerning the Oath of
Allegiance, which were proposed by a Catholick Gentle-
man in a Letter to a Person of Learning and Honour.*]

A late

The Second Treatise against

* as he
speaks.

A late officious hand hath now in the year 1674. * *thought it seasonable to re-publish this short and judicious Treatise, for the satisfaction of such as are at present either concerned, or curious.*

† in his Pre-
face.

* page 14.
page 30.

The Authour's professed delign in these Questions concerning the Oath was, to propose his sense by way of Quære's; *wherein he hopes not to be accused of presumption, whilst he onely seeks what he professeth not to know*: And yet is so knowing, that though he could *heartily wish for a more condescending form of Oath*, he † sticks not to affirm, and he is positive in it, that if the manner of expression were a little changed, *every syllable of the substance might be intirely retained*. Now if you ask him what he means by the Substance of the Oath, he expressly tells you, that * *the Substance of the Oath is, the Denying and abjuring the Pope's power to depose Princes.*

For my part, 'tis as far from my thoughts, as forrein to my present purpose, to speak any thing in favour of this Deposing power: nor shall I at all play the criticall Interpreter of the Oath, nor concern my self with *raising any artificiall and learned obscurities*, such as the Publisher hints at, about any inconvenient phrase, nor *boggle at the form and dress*; but closely apply my reason to the Substance of the Oath, taking for the measure of its Notion the rule and standard the Authour of the Questions hath already given us, saying *that the Substance of the Oath is the Denying and abjuring the Pope's power to depose Princes.*

Here then lies the grand Case, here is the principal Question, *Whether a Catholick may* (I do not say barely *deny*, but) *deny by Oath, and universally abjure, the Pope's power to depose Princes.*

Concerning which Question, first, as I meet with nothing either in the Authour or Publisher of the Questions which in my judgement does in the least evince the affirmative: so, secondly, I think enough is said by both to conclude manifestly for the negative, to wit, That no Catholick can safely admit of and take the Substance of the Oath, even as the
case

case is understood, and stated in the Authour's own terms.

This I shall endeavour with all possible clearness and brevity to make out in the first place; and afterwards set down and answer the Grounds the Authour of the Questions proceeds on, which are principally three. 1. The Censure of many famous *French* Universities, denying, rejecting and condemning the Doctrine of the Pope's Deposing power, as new, false, erroneous, contrary to the Word of God, pernicious, seditious, and detestable. 2. The Subscription of the *French Jesuits* to two of the most remarkable of these Censures. 3. The Practice of the Clergy, the religious and the wiser sort of the *Laiety* in other Countries, when the Pope makes war, or any other way contends with their Sovereign Princes or States.

All which being put together, to the end it may appear how far the Argument even in its full and united strength is from reaching our Case, let it be once more remembered, that the state of our Question is not, *Whether a Catholick may deny, reject, censure and condemn the Pope's Power to depose Princes,* (which yet is the utmost that can be proved by warrant of these forrein Precedents;) but, *Whether he may safely deny, reject, censure, and condemn by his Oath, and universally abjure, this Deposing doctrine :* This is that which the Authour of the Questions affirms; that which he calls the very *Substance of the Oath*; and that for which I am sure no *French* University, quoted by him, no Subscription of the *Jesuits*, no Practice of the Clergy, the religious and the wiser sort of the *Laiety* in other Countries, afford us so much as any single instance.

CHAP. II.

Why it cannot be safe either to swear to the Deposing doctrine as true, or to abjure it as false.

* Trithemius
in Chron. hi-
storic. ad ann.
1106.

Since it is but even more undeniably evident then all good men have cause to wish, and that experience, the easiest and clearest of arguments, puts it but too sadly beyond dispute, that this grand Controversy, (*Whether the Pope hath any Power and authority to depose Princes for any cause, pretence, or exigency whatsoever,*) hath been for divers Ages from time to time disputed in the Schools by speculative men in their subtle and notionall way of reasoning: And what * *Trithemius* recorded to posterity above 500 years agoe, (that *Scholastici certant, & adhuc sub Judice lis est, utrum Papa posset Imperatorem deponere,*) may, for ought we know, 500 years hence be as much a question, and as far from ending, as now it is; whereas even in our days the Controversy finds but too many stiff Champions and Abettors to maintain the quarrell, and keep life in the debate by their warm and smart contests; no clear and authoritative decision of the Point yet appearing to which both sides think themselves obliged to stand and acquiesce: Since likewise, when a Point is thus in dispute amongst *Catholick Princes*, (some of them peremptorily denying and hotly opposing what others as positively assert and vigorously maintain, and this openly, avowedly, and in the face of the world,) no one can determinately swear to either side of the point in dispute as true, nor warrantably abjure the other as false; for this were to swear a thing as true, or to abjure it as false, which is confessedly in dispute whether it be so or no, which is never lawfull:

From hence I conceive, that for the deciding of our Question, (*Whether a Catholick may lawfully abjure the Pope's Deposing power and authority,*) there needs no more then barely to suppose,

suppose, that it is a *Question whether the Pope hath any such Power and Authority or no.* For here one Question resolves the other: grant this second to be a Question, the first will be none. For if it be a Question whether the Pope hath any such Power and Authority or no, no man can safely swear, that without all question he hath none; I say, without all question, because what we swear as true ought to be unquestionably such, otherwise we fall under the guilt and sacrifice of Perjury.

For a more full evidence and farther clearing of this so important a Truth, (namely, That the swearing or abjuring a controverted doctrinall Point unavoidably draws upon us the execrable guilt of Perjury,) let us consider the difference of Oaths in generall, and the different parts of the Oath of Allegiance in particular. Of Oaths some are assertory, others promissory. An *assertory* Oath is, when we positively say such or such a thing is true or false, and then bind this saying of ours with an Oath: A *promissory* Oath is that whereby we engage to doe what we promise, or to leave undone what we promise not to doe, and thereupon give our Oath as a bond of performance. The Oath of Allegiance is a mixt Oath, partly assertory, (as where it is affirmed that the Pope hath not any Power or Authority to depose the King, or to authorize any forrein Prince to invade or annoy him or his Countries, or to discharge any of his Subjects from their Allegiance, &c.) partly promissory, (as namely, where the Swearer engages that, notwithstanding any Declaration, or Sentence of Excommunication, or Deprivation, made or to be made against the King, his Heirs or Successors, he will bear faith and true allegiance to them, he will defend them to the utmost of his power against all conspiracies or attempts whatsoever.)

That which here principally falls under consideration is the nature of an assertory Oath: in which Oath it is essentially requisite, that what we do swear be undoubtedly and unquestionably true; and all little enough for the securing us against God's and Truth's sworn enemy, Perjury; which

* Magister
in 3. dist. 39.
En. ann. 10.
S. Thom.
† S. Aug. lib.
de Mendacio.

abominable sin is defined by the * Schools to be *a Lie confirmed by Oath* : And to lie, saith † St. *Austin*, is to speak against that which a man thinks in his mind or conscience, or, as we usually express it, when a man speaks not as he thinks; viz. when there lies a secret check and contradiction in the breast to what is uttered by the mouth. Put these two together, and the case stands thus: *To speak contrary to what a man thinks in his conscience*, is, according to true morals, the definition of a Lie; and, *to swear contrary to the inward dictates of his conscience*, is that wherein consists the formall notion and malice of Perjury. Now this Swearing contrary to what a man thinks in his conscience may happen two ways: not onely when he is conscious to himself, and knows that what he swears is not true; but also when he knows not, and therefore doubts, or hath just cause to doubt, whether it be true or no: in which case if he chance to swear, it is at the perill of his Soul, and contrary to the secret information of his Conscience, which must needs check at the act, and inwardly protest against it. For it is a folly beyond dotage, and carries with it the prejudice of the highest self-condemnation imaginable, for a man to say, I will swear such a thing is true, and yet I know not, I doubt, or have just cause to doubt, whether it be so or no.

CHAP. III.

An Objection answered; with a farther display of the former Evidence.

IF any one shall here pretend, that he for his part is so far from doubting, that he is already fully perswaded, and thinks verily in his conscience, the Pope hath not any Power or Authority to depose Kings; and why then may not he safely swear as he thinks; because no more is required of him then onely to swear according to the best of his knowledge? Let him who pretends this please to remember, that neither
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is less required of him then to swear according to a true knowledge; that is, that he be sure or certain, and have no just cause to doubt of the truth of what he swears. Let *Knowledge* then signify *Knowledge*; let it not be a meer term, or the abuse of a term: let not, *I think*, but, *I know*; not, *I am perswaded*, but, *I am certain*, be the ground of his Oath, and he is secure. But if his knowledge signify no more then his uncertain perswasion and judgment that the thing is so or so, then *the best of his knowledge* is to him no better then *ignorance*; and to swear according to *the best of his knowledge*, will be the same as to swear according to *the best of his no-knowledge*: And it is this want of knowledge will arraign, convict and condemn him at the bar of his own heart for a forsworn man. Thus if a Witness in any publick Court of justice should offer to swear a thing as true, and yet, being ask'd if he were sure of it, should answer, No; though we should suppose that he verily thinks it true, yet if he be not certain of it, 'tis manifest it may be as well false, as true, for any thing he knows; for *thinking* is one thing, and *knowing* another. And therefore if upon no better ground then his thinking it to be true, he should offer to swear it is so, no honest man would stick to say, this Witness owes a forfeiture to the Pillory, and satisfaction to God and man for so foul a scandal, in offering to swear a thing to be true, which he knows not whether it be so or no.

True it is, where an Oath is tendered requiring no more but onely to swear a man's perswasion and judgment, (not absolutely what is or is not true, but onely what he thinks is or is not true,) there indeed a man may swear according to true knowledge, in regard the familiar converse and intimacy with his own thoughts may give him a sufficient assurance and certainty of the truth of what he is to swear; because in this supposition he is to swear no more then what he thinks: but if any one should goe about to transfer this qualifying gloss and milder exposition to the Oath of Allegiance, as an expedient to prevent the sad danger and heavy charge of Perjury, in abjuring the controverted Doctrine of

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the Deposing power, as if no such abjuring was intended by the Oath ; (which yet the Authour of the Questions terms *the very Substance of the Oath* ;) let him who either makes or values this gloss but cast an eye upon the first, the middle and the last Branches of the Oath, and he will plainly perceive, this is onely an exchange of one Perjury for another : it alters indeed the mode, but shuns not the guilt ; and by striving to weather out one Rock, splits upon another.

For first, in the beginning of the Oath the Swearer solemnly calls God and the world to witness the truth of what he is about to acknowledge, profess, testify, and declare in his conscience ; and then, having uttered all he has to say, (and particularly, in one of the middle clauses, having not onely abjur'd the Pope's Deposing power, but also abjur'd it as hereticall,) in the end concludes thus, [*And all these things I do plainly and sincerely acknowledge and swear according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation or mental evasion or secret reservation whatsoever.*] By which last clause he again ratifies and binds afresh all his former asseverations and already-sworn engagements, by a repeated and reflex Oath looking universally back upon the premisses : *And all these things* (says he) *I do plainly and sincerely acknowledge and swear.* Now amongst all these things which he doth thus plainly and sincerely acknowledge and swear, the chief and principal of all others was, That the Pope hath not any such Power and Authority as we speak of. And he farther adds, that he swears this *according to the express words by him spoken, without any equivocation, mental evasion, or secret reservation* ; that is, without any farther gloss or comment upon his own thoughts or words whatsoever. Whereas on the contrary, if we should suppose, that, whilst he expressly abjures the Deposing doctrine, and absolutely swears that the Pope has not any such Power and Authority, he yet reserves in his mind a mental evasion and secret meaning of his words, (viz. that he onely thinks and is perswaded he hath no such Power and Authority ;)

thority;) then directly he forswears himself in swearing otherways than what he professes to swear, that is, in swearing not according to his express words, but according to an unexpressed meaning of his words, which thing he utterly disavowed and renounced by his Oath. And is not this a remedy as bad as the disease, and a rare expedient to prevent the danger of Perjury, to make a man forswear himself for fear of being forsworn?

Let us make the best hand of it we can; here is onely choice of Perjuries for the comfort and relief of the Swearer, whether he do or do not abjure the Deposing power. For if he pretend *not to abjure it*, this is contrary to his express words, according to which he professeth to swear, and by which he doth expressly swear that the Pope hath not any Deposing power; and so he is perjur'd, by pretending to swear one thing, and actually swearing another; which is as much as to swear two Oaths in one, the one directly cross and contradictory to the other. But if he *do abjure*, (as absolutely he doth, if he takes the Oath,) this same abjuring is the very charge of Perjury which is now under my pen, and, as I conceive, inevitable, by reason that the necessary knowledge, certainty and assurance of the truth of what he swears, or of the falsehood of what he abjures, (without which every such assertory Oath necessarily ends in Perjury,) is not to be had nor expected, whilst this speculative Point remains under dispute; a dispute (as experience too clearly testifies) not yet effectually determined by any publick, nor, I am sure, determinable by any private authority, as shall appear yet more fully in the next Chapter.

CHAP. IV.

A Continuation of the former Discourse, shewing the manifest unlawfulness, as of Swearing, so of Abjuring the Deposing power.

* pag. 31.

Second Con-
troversial
Letter, pag.
31.

“ **A** Duty we owe to the Pope, (saith the * Authour of “ the Questions,) a Duty to the King; both com-
“ manded by God, both obliging under sin, yet both con-
“ fined to their proper limits: too much of the Temporal
“ may be ascribed to Popes, too much of the Spiritual to
“ Kings, too much may be challenged by both. All which
is most true; but the difficulty is, when these two Supreme
Powers contest (~~as~~ actually they do) concerning Power in
Temporalls, who shall then be Judge? The Pope claims
a Deposing power, the King denies it: if the Pope be Judge,
the Deposing power will carry it; if the King, it will be
cast. If we consult or appeal to the authority of the Lear-
ned, and bring the cause to their bar, there is nothing but
noise, censures, and loud disagreements. *Bellarmin* and
Suarez write for the Deposing power, and are condemned
at *Paris*: *Barkly* and *Withrington* appear against it, and are
condemned at *Rome*: the Censurers all this while on both
sides professing a previous, mature and impartial examina-
tion of the Books and Doctrines they condemn. *Carou*, the
laborious defender of the first Remonstrance, in his loyalty
asserted what betwixt Canonists and Divines, School-
men and Fathers, Popes, Councils, Universities and King-
domes, is said to have made a catalogue of more then 250
Opposers of the Deposing doctrine. On the contrary, what
number of favourers and abettors there are for it, may appear
by this, that even the Authour of the 8th Controversial
Letter tells us, (*pag. 5.*) that the face of Authority is on that
side; and again, (*pag. 7.*) that of Learned men, those who
write of this subject, write generally in favour of it: as like-
wise

wife the Authour of the Questions, in his Preface, acknowledgeth the Maintainers of the Deposing power to be the more numerous party, and that he himself sides with the few against the many; and withall granteth, (*pag. 24.*) that this act of Deposing Kings hath not onely been done by Popes, but approved by Councils. If we step over into *France*, there we are strangely surprized with instances on both sides. Behold in the year 1626. Eight Universities of that Realm declare smartly against the Deposing power: and yet but a few years before, *viz.* in the year 1614. in the General Assembly of the Three Estates, (in which were present 5 Cardinals, 7 Archbishops, and 47 Bishops, besides many other learned Ecclesiasticks and Dignitaries of the *Gallican Church*,) two parts of three of this great Representative of that Kingdome were of another mind, and so far from hearkening to or countenancing the hot Proposals that were made against the Deposing doctrine, that they left it in possession, as they found it, of whatsoever right or title it could pretend to. What now shall the private Christian and loyal Subject doe, who passionately desireth to share himself in all humble duty between God and *Cæsar*? what, I say, shall he doe in this unfortunate competition of the two grand Powers? Shall he by his single sufficiency dare to assume to himself the right of judicature, and boldly swear either for or against the Deposing power, and to pass a decisive sentence under Oath, that the Pope hath, or hath not, the Power in contest? Were I worthy to offer my advice in this particular, I should conceive it much more pertinent and proper for him seriously to consider with himself, whether an act of this nature be not the same, or rather indeed much worse then if a stander by, upon hearing an Assembly of grave Divines or Counsellours learned in the Law, all of them much above his size and abilities in their respective professions, warmly debating a perplexed Law-case, or sturdy knot in Divinity, should by a rash and unlicensed confidence take upon him the Umpirage of the cause, and without any more ado bluntly swear these men are in the right, and the other in the wrong, or the

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others are in the right, and these in the wrong : And whether he proceed not upon as meer a blind peradventure, whatever part of the contradiction he swears in this last case, and that it be not as slippery a piece of pure contingency in him, whether he hit or miss, as if upon the sight of an handfull of Guinies, he should all at a venture swear odde or even for a wager ; since that he hath no true knowledge for his guidance, nor the least degree of certainty to steer by or fix him.

C H A P. V.

A farther confirmation of the premisses.

ALL this which I have hitherto discoursed is no more then what is evidently deducible from and throughly grounded in the Principles and Concessions of those Learned persons who utterly deny the Pope hath any Power to depose Princes ; who yet neither do, nor can, make out a title and claim for their Doctrine to any higher pretence or degree then that of Opinion : and in this, I presume, I shall speak the sense of all, if I say, it is never lawfull, nor justifiably safe, to swear to an Opinion as true, nor to abjure an Opinion as false, (speaking, as here I do, of such free and debatable Tenets as are openly and avowedly held and taught by Catholick Divines, divided amongst themselves in their private sentiments and School-disputes,) because no one of these Opinions can sufficiently answer for its own truth, nor secure the officious Swearer, who lends it his Oath, that he goes Christianly and groundedly to work, whether side soever of the Opinion he makes choice of to be sworn or abjur'd. For it is not in Opinions as in things which we know by clear and certain evidence, as it happens in those early and fair Notions implanted in us by nature from the first glimmering of Reason, called First Principles, as, that *Every whole is greater then a part of the whole ; It is impossible for the same thing*

to be and not to be at the same time, &c. which great Maxims of Nature sufficiently speak for and evidence themselves, without the help of Syllogisms, moods, or figure; and are no sooner understood, then readily and necessarily assented unto. Nor is it in Opinions as in certain scientificall Deductions and demonstrative Conclusions, partly flowing connaturally by a train of immediate consequences, partly drawn and hammered out with much pains, study and speculations from the abovesaid Principles: which Deductions and Conclusions are called Sciences, whose chiefest property and richest piece of satisfaction, whereby they gratifie the Understanding of man, is their clear and convincing Evidence, placed beyond all contradiction from Sense or Reason. Nor, lastly, is it in Opinions as in those supernaturall Truths made known unto us by Divine revelation, and are of Faith, where there is absolute Certainty, though without Evidence: for Faith wears a scarf before her eyes, and believes what she sees not. Both which, to wit Faith and Science, as they justly command and challenge, so withall they fully secure our assent from all danger, and suspicion of error, the one by its Evidence, the other by its Certainty; the one interressing the light and patronage of the First Principles, the other engaging a Divine and infallible Authority for the truth of their Propositions.

But in Opinions it fares quite otherwise: for an Opinion having neither the Evidence of Science, nor the Certainty of Faith, nor indeed any other inferiour degree of Certainty, physicall or morall, (as the Schools speak,) but onely the slippery knot of Probability to hold by, leaves the considering Opiner in a state of suspense and indetermination, not daring, nor indeed knowing how, to yield any more then a faint and timorous assent to either side of the Tenet, seeing that neither side is any more then onely probably true, or probably false. And because true, and onely probably true, false, and onely probably false, are not the same, but two very different things, and at so great a distance, that no art or law of consequence can ever bring them together, or convinc-

cingly argue from the one to the other ; hence it is, that what is onely probably true, is not therefore true, and what is onely probably false, is not therefore false : from whence it is finally and manifestly concluded, that neither side of an Opinion is lawfully attestable by Oath as simply true, nor safely abjurable as simply false.

towards the
end of his
large Preface.

*Vide Artic-
ulos Facultatis
Parisiensis
de Autoritate
Pontificia &
Regia, Art. 6.*

To come now to the particular Tenet which denies the Pope's Deposing power in all cases, circumstances and emergencies whatsoever. If we address our selves to the Maintainers and Abettors of this Tenet, if we consult the Authour and Publisher of the Questions, if we propose the Case to the *Sorbon* Doctours and the Faculty of *Paris*, we shall find all their answers concurring in this, That their negative Tenet is no more then an Opinion. For, first, the Publisher of the Questions coming to speak of the difference between the Deniers and Abettors of this Power, and the nature and quality thereof, plainly professeth, that this difference is no difference of Faith, but onely of Opinions : and the Authour of the Questions calls it an Opinion ; a safe Opinion indeed, but no more or other thing then an Opinion : an Opinion also the *Sorbon* Doctours take it for ; nor is their own Censure or Doctrine any more then their Opinion. Neither do they, nor indeed could they with any shew of reason, or coherence to their own principles, discourse at any other rate, or ever intend to screw it up any higher then an Opinion. For it is not to be imagined, that those grave, learned and prudent Divines, who in their publick Articles concerning Papal and Regal Authority (in the year 1663.) do not own or look upon any Censures, Decrees or Definitions of *Rome*, (antecedent to, and abstracting from, the joynt consent or acceptation of the Church as inerrable,) would ever goe about to set up an independent or infallible Chair in the *Sorbon*, and deliver their Doctrine either as a Point or Article of faith in it self, or as a Rule of faith to others, but onely as a Rule of Opinion, (if you please) and a Judgment whereby such as were under their charge might remember to frame and regulate (not their Faith, but) their Opinions :

Opinions: which are the exprefs words of the Decree it self. Since then the deniall of the Pope's Deposing power neither doth nor can pretend any higher then an Opinion, admit that its being the Opinion of so many Learned Divines might render it safe to hold and embrace it; yet its being but an Opinion, though of Learned Divines, renders it unsafe to swear it, and no less unsafe to abjure what is contrary to it. The Reason I have already given, Because nothing can lawfully be sworn as true which is not more then merely probable or probably true, that is, which is not either certain or infallible: now all the Learned know, that a *certain or infallible Opinion* is as great a bull as an *uncertain fallible Article of faith*; so that to swear to an Opinion as certainly true, is as much as to swear an Opinion is no Opinion, and the Swearer doth thereby at one breath intangle himself in his own words, his Reason in a Contradiction, and his Soul in Perjury.

CHAP. VI.

A particular Danger of Abjuring the Pope's Deposing power according to the form set down in the Oath of Allegiance.

I Shall here annex a particular consideration of the wofull Snare those souls run themselves into, and apparent Danger of Swearing they know not what, who venture to abjure the Deposing power as it lies expreffed in its several Branches in the Oath of Allegiance; whereas those Learned persons who undertook to defend and explain the Oath render it not onely difficult, but next to impossible, to understand what it is that is to be abjured. I think I may take it for granted, that no person of integrity and candour can ever conceive it lawfull for him to swear, without first endeavouring to gain a right understanding of what he is to swear: for to swear what a man understands not, is blindly to rove at a venture, and to swear he knows not what, wilfully abandoning the

conduct, and slighting the inward upbraidings and reproofs of his Reason: and, which is worse, it bewraies a feared Soul, a wretched and finfull preparednesse of mind to prostitute an Oath to the attesting of any thing that comes next to hand, where Self-indemnity or other secular ends and advantages are proposed as the accursed purchase or reward of Perjury.

In the Oath of Allegiance it is required of us to abjure the Pope's Deposing power in all and every its respective Branches therein expressed: one of which Branches is, That the Pope hath not any Power to authorize any forreign Prince to invade or annoy the King or his Countries. Which Branch (by the way) the Authour and Publisher of the Questions in the form of the Oath set down by them have wholly omitted in both Editions, as well that of the year 61. as the other of this present year 74. through what mistake or how occasioned I know not. It is not easily to be conceived what subtle Obscurities and learned Intricacies *Roger Withrington*, one of the greatest Champions that ever appeared for the Oath, and his friend *C. J.* (who confesseth to have compiled his * Book out of *Withrington's* expresse Grounds and Doctrine,) plunge themselves and their reader into, in descanting upon this one point of the Oath. † They tell us, that by this clause is not denied the Pope's Authority to *command* (but onely his Power to *authorize*) in Temporals, in order to a Spirituall good; or, to *declare* that they who have Authority to depose, or to make war, are bound to use their Temporal Authority, and to draw the Temporal sword, when the necessity of the Church and Spiritual good of Souls shall require the same: for that this Authority to *declare* and *command* doth not exceed the limits of a Spiritual power. Thus these Learned Persons.

* This Book was printed in an. 1620. and called *The New-year's gift, or, A brief and clear Explication of the Oath of Allegiance.*

† *Withrington*. in Apol. n. 99. and in his other books very often.

Also *C. J.* in his Explication of the Oath of Allegiance, p. 74.

Let me here intreat the courteous Reader to lend me his eyes and attention to help me out. For if Temporal Princes, as is here supposed, have Power and Authority to invade or annoy forreign Princes or their Countries, nay to depose them, when the good of Souls and necessity of the Church shall require

quire it; if the Pope is to be Judge of this necessity, and to declare when, against whom, and upon what occasion the Temporal sword is to act its part by invading or annoying the delinquent Prince his Person or State; if, I say, the Pope hath Power (though not to *authorize*, yet) to *declare*, and not onely to declare, but to *command* the doing of all this, as being in the line of Spirituality, and within the vierge of an Ecclesiasticall Jurisdiction: truly my opinion is, (and I think every sober and disinterested Judgment will upon due reflexion subscribe to the same,) that this Doctrine, as it contributes little to the Security of Princes, and as little to the satisfaction of intelligent Readers; so it is not every one can easily understand, or be able to reconcile it to truth and its self: for, if I mistake not, it foully clashes with both. For, (since we are here treating of the Legality or Illegality of an Oath, and what we may or may not safely swear or abjure,) what can seemingly have more of the Riddle, or less to the purpose in it, then to be gravely told for our instruction, and the quieting of our Consciences, that we may lawfully abjure the Pope's Power of *Authorizing*, but not in any wise abjure his Power of *Commanding* a forreign Prince to invade or annoy His Majesty or His Kingdoms? Again, that we may safely swear the Pope hath no Power to *Depose* Princes, but that we must not abjure his Power of *Commanding others to depose* them? Alas! and is not this a much mistaken favour, a mere mock-pretence of Security to Crowned heads, and of ease and relief to troubled Consciences, wholly built upon this nice and ambiguous Distinction, of *Authorizing*, and *Commanding*? A Distinction in this case so subtille, that it is impossible to find where the difference lies, and is therefore in very deed no Distinction at all; either in respect of the King, to whom it is all one, (and His perill or ruine undistinguishably the same,) whether He be invaded and deposed by the Pope's *Authority*, or onely by his *Command*. Neither is it any Distinction in respect of the Swearer, who cannot securely, nor without a self-contradiction, (from which this Distinction can never clear him,) swear that the Pope hath not any Power and Authority to *depose*

depose Princes, if he have Power and Authority to *command* others to *depose* them: because this authoritative injunction of his is enough to intitle him to the fact; and his very Commanding others to *depose*, both makes and denominates him the *Deposer*.

Besides all this, if it be true what these Authours assume, that Temporall Princes have (when the good of Souls and the necessity of the Church requires it) Power to *depose* one another, how can any man, being of this opinion, lawfully swear the Pope hath not any such Power, who, as we all know, is a mixt person, and as well a Temporal Prince as a Spiritual Pastour? and therefore it would argue great partiality in this Doctrine, wholly to exclude him, at least as he is a Temporal Prince, from his share in the *Deposing* power: from whence it would finally follow, that the Oath could not be taken without a distinction of different formalities in the same person, that is, without distinguishing the Pope as Pope from himself as he is a Temporal Prince; and then also the two formalities being at odds, the Temporal Prince would be the more powerfull Pope of the two.

These and the like entangled Positions I take to be clearly consequential, and absolutely necessary inferences from the aforesaid dark and perplexed discourse of these Authours. Now the use and advantage the Reader may please to make hereof is this sober and wholesome reflexion, That since *Witbrington*, who bestowed much pains, and since large and learned Comments, upon the Oath, since he, I say, whilst he pretends to explain one of the Branches of that very Point wherein *the Substance of the Oath* consists, (according to the Authour of the Questions,) leads us into such a Labyrinth of thorny and insignificant Distinctions, cross and thwarting Niceties of words, as that a more then ordinary clue of reason and attention is necessary to wind us out; what conscientious and considerate person of less leisure, industry, learning, and other abilities, then *Witbrington* was, seriously pondering this Oath, shall hope he understands what he is to abjure, or dare to abjure what he understands not?

CHAP.

CHAP. VII.

*The just Plea of Conscience in refusing to abjure the
Deposing doctrine consider'd with the like reference
to the Depositions of Popes as of Kings.*

I Am much taken with the seasonable advice and wholesome caution I find in the Fourth of the Controversial Letters, which I shall elsewhere have occasion to quote more at large: "Princes and Bishops, saith this Gentleman, (pag.8.) are both sacred; let what belongs to them be so too, and not touched without the excuse of necessity, or obligation of duty. It was under the warrant of this apology to my own thoughts, and the confidence of my Reader's candour, that I first engaged in this Discourse; and that now, for his farther satisfaction, (to shew that there is nothing of any Popishly-affected partiality in the refusing this abjuring Oath, but that our Recusancy is wholly grounded upon sound Reason and upright Conscience,) I shall compare the unlawfulness of abjuring the Pope's Deposing power, with the like unlawfulness of abjuring the Power of deposing Popes; both these Powers being alike controvertible amongst some of the Learned, whereof divers do freely and openly teach that Popes may be deposed as well as Kings, and for the like cause.

For which end I shall here advance and confront in their severall instances two Propositions of a more large and comprehensive nature in relation to the Deposing power: as first, *That there is absolutely no Power or Authority upon earth, either Spiritual or Temporal, to depose Kings, let the cause or pretence be what it will*; secondly, *That there is absolutely no such Power or Authority upon earth, Spiritual or Temporal, to depose the Pope.* The first of these Propositions is that which in the year of our Lord 1614. the House of Commons in France, in the General Assembly of the Three Estates, would
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have been at, and offered not onely to own and swear to it themselves, as a fundamental and holy Law, but also passionately endeavoured that others should be compelled by rigorous penalties to doe the like. But the project was stifled in the birth, and the abortive Bill laid aside by the Lords Spiritual and Temporal, who, well weighing the controverted nature of the case, were more considerate, and tender of their Oaths, then to venture them upon a foundation which, take whether side they pleased, must needs fail, and betray the Swearer to an active sin and shame.

But what shall we say to the second Proposition? may we not strain a little farther for the Pope then the King? will not Religion bear us out, if we adventure to swear, that there is not any Power upon earth, Spiritual or Temporal, to depose the Pope? To which I answer, It is neither Religion, Veneration, Duty, or Awe to the See of *Rome*, which ought either to perswade or extort, any more then it can legitimate, such an Oath; which it can never do, in regard of the publick and unproved disputableness of the case. For whether we consider matter of fact or right, it is no news amongst Catholick Divines, that if the Pope should become an Heretick, (and they grant the [*If*] to be no impossible supposition,) he then forfeits his right to the Apostolical Chair, and thereupon may lawfully be judged and deposed by the Spiritual power of the Church. And this is a Doctrine which hath been long publick to the world; a Doctrine pretending a Canonical Constitution and a Conciliary Act for its ground and support; a Doctrine not unknown to *Italy*, yet uncensured at *Rome*, nay, held and taught by some who lived and wrote even at the Pope's feet.

*Canon de Pa-
pa, Distinct.
40. Synod. 8.
act. 7.*

Where, by the way, our impartiall School-men seem at least to clear themselves from all sinister prejudices of Favour and Flattery, and the stale imputation of framing and modelling their Doctrines to the humour and interest of the Court of *Rome*; whereas we here see that some of them, and those of eminent note, make as bold with the common-Fa-
ther

ther of the Church, the Pope himself, and even run him down with their Speculations as confidently, and with as much show of zeal, as at other times they set themselves to unthroned the meanest Prince in Christendome, upon the same pretence. And though his Holiness knows that Popes sit not so fast, nor are so firmly rivetted to their Thrones, but that divers of them have been deposed; and sees withall this particular Deposing doctrine, threatening Popes no less than Princes, taught under his very eyes, and for the same cause, and that cause Heresy, and that Heresy hath even by Catholics been charged more than once against some of his Predecessours: yet (notwithstanding this concurrence and complicated pretence of Fears and Jealousies) he never goes about to establish his Rights, Person and Authority, by any such assertory Oath as ours is; but chuseth rather to trust Providence with his concerns, than that the Triple crown should owe any part of its Security to an illegal and unnecessary Oath, or his people be compell'd needlessly to swear away the peace of their Conscience, for securing that of the Commonwealth.

But to draw the case yet to a nearer parallel, and to close more particularly with the Oath of Allegiance, wherein we are commanded to swear, that *the Pope neither of himself, nor by any Authority of the Church or See of Rome, nor by any other means, with any other, hath any Power or Authority to depose the King*; (and this to be understood as to comprehend all causes, cases or pretences possible.) Let us spell the Oath backwards, and read *Pope* for *King*, and *King* for *Pope*; and then suppose we were enjoined to swear, that no King or Prince, either of himself or by any Authority of the Church or See of *Rome*, or by any other means, with any other, hath in any possible case any Power or Authority to depose the Pope; let us see what the Schools and the publick and currently-allowed Tenets of Divinity will award as to the taking or refusing this Oath.

It is acknowledged on all hands, there are divers instances from history of Depositions of Popes by Temporal Prin-

ces, as well as of Temporall Princes by Popes, which yet our Divines seem to restrain to the common case of Heresy: and therefore the otherwise-pious and godly Emperour *Otho* incurred at least the mild censure and reprehension of such pens as record the fact, for deposing Pope *John* the XII, because (though he was one of the worst of Popes, yet) by the crime of Heresy he was wanting in the black list of his Offences to fill up the measure of his crying Misdemeanours, and justify the Sentence and severity of his Deposition; though even taking the case as it was, not onely the pious Emperour (saith *Bellarmino*) conceived this Pope might be deposed, but many Doctours thought so as well as he.

*Bellarmino. de
Rom. pont.
lib. 2. c. 29.*

But however, nothing is more certain, then that it is a common and allowed Opinion of divers Divines, that in case of Heresy the Pope may be judged and deposed by the Church. Some of which carry it yet a step farther, adding [*ought*] to [*may*,] that is, that he not onely *may*, but *ought* to be deposed: and that this *may* and *ought* is not onely the Church's right, but her obligation, and she thereby bound to proceed to due execution thereof, to the utmost of her power: and if the Pope, who is to be deposed, should chance to resist, oppose and stand in defiance of the Church's judgment, and she not in a condition to call his obstinacy to an account, and to turn him out of his Chair by virtue of her Spiritual arms alone, and yet her duty still supposed incumbent and pressing upon her, to discharge and free her self and her Children from the thralldome of an Usurper; then these Authors will tell us, that the Law of Nature, or that which is a Law to it self, Necessity, (which even in causes Ecclesiastical takes upon her to justify force, when nothing but force will serve, for the compassing a just and necessary end,) will prompt the Church, as is usual in some other cases, to have recourse to the Temporal Power, and call in the assistance of the Secular arm to her succour. In which juncture, no doubt, any King, Prince, or zealous *Otho*, who would please to interest himself in and espouse the Church's quarrel, might both deserve and receive her Commission and thanks,

thanks, to act with authority, as a welcome auxiliary in the Holy war, even to the Deposing of the Pope, and placing another in his Throne, in order to the good of Souls, and the just recovery of the Ecclesiastical liberties and Spiritual rights.

Here then being a Case confessedly possible, and an Opinion which Authority renders probable, in which Case, and according to which Opinion, Kings and Princes have, at least by Authority of the Church, and with others, Power and Authority to depose the Pope; I see no objection offer it self, but the way open and fairly smoothed to this Resolution of the Case, That no Catholick can safely take this counter-Oath, nor securely swear, that no King or Prince, either of himself, or by any Authority of the Church or See of *Rome*, or by any other means, with any other, hath (in any possible case) any Power or Authority to depose the Pope.

And therefore comparing the two Oaths together, this and the Oath of Allegiance, I think that, as no man could rightly be accounted a bad Catholick at *Rome*, for denying to take this, so neither can he justly be reputed a bad Subject in *England*, for refusing the other; because this Recusancy is equally blamable in either of the two cases, or absolutely un-reprovable in both, the ground of both being one and the same; which indeed is neither favour nor fear of man, but rather a just fear of incurring God's disfavour, and the inviolable duty we owe to Truth, and an upright Conscience, which lays an indispensable tie of Recusancy upon us, so far as never to take any assertory Oath, requiring of us to swear or abjure any speculative controverted Doctrines, though we suppose the Oath to be as much in favour of the Pope, as our Oath of Allegiance is conceived to be of the King.

CHAP. VIII.

Abjuring the Deposing doctrine neither is, nor can be any part of the Oath, as it is an Oath of Allegiance, and therefore not at all necessary to a true Oath of Allegiance.

More Allegiance may be sworn, and better Security given to Princes, by abjuring all Discourses and Disputes in favour of the Deposing doctrine, then by abjuring the Doctrine it self.

* printed at
London 1645.

I Have seen, and taken some pains to peruse, a * Book of Oaths, and the severall terms thereof, (above two hundred in all,) both ancient and modern, forreign and domestick, out of sundry authentick Books and Records, wherein, amongst so many Oaths of Fealty, Service and Duty, as are mentioned there, (which generally run in the promissory strain,) I find not one that enjoyns the swearing or abjuring of any controverted Doctrine, save onely our two Oaths of Allegiance and Supremacy; which upon that account lie under the just exception (as I think) of being singular and without precedent in their kind: wherefore what the Authour of the Questions so expressly assumes, (my self also, for his and the Argument's sake, having been willing hitherto to goe along with him in his own supposition,) viz. *that the Abjuring the Pope's Deposing power is the Substance of the Oath*, cannot be strictly made out without the help and allowance of a distinction, nor regularly understood but onely of the assertory part: for otherwise, if we speak properly, it is so far from being the *Substance*, that it is not so much as a *Part* of the Oath, as it is an Oath of Allegiance, and a Bond of Duty from the Subject to his Supreme Lord.

And

And of this there will need little proof, when it is considered, that the Bond of an Oath is in reference to something which is to be performed for the future; and therefore cannot appertain to an assertory Oath, (which is a thing present or past,) but belongs onely to a promissory Oath. Wherefore since it is plain, that this abjuring the Pope's Deposing power is an assertory Oath, there can be no doubt, that it being in it self, and in the nature of the thing, no Bond at all, it can be no Bond of Allegiance, and therefore also no part of the Oath as it is an Oath of Allegiance.

S. Thomas
2. 2. qu. 89.
ar. 7.

And if the forbearing all Disputes and Discourses any ways favouring the Deposing power may be (as I think it is) look'd upon as part of our Allegiance; then it follows likewise, that more Allegiance may be sworn by the promissory Oath, in abjuring all such Disputes and Discourses in favour and defence of the Deposing doctrine, then by abjuring the Doctrine it self; because this last Oath of abjuring the Doctrine it self, being purely assertory, contains no Promise, Bond, or Tie at all: so that in fine it is the promissory Oath alone that is the true Oath of Allegiance, and the sole Bond of Duty from the Subject to his Prince.

This I take to be the reason why some learned Catholicks, who understood both themselves, the difference of Oaths, and the nature of Allegiance, full well, having upon sundry emergent occasions exhibited to the publick several Oaths of fidelity for the quieting of all State-jealousies and fears from the Pope's Deposing power; have wholly confined themselves to the promissory form. Thus 13 Catholick Priests made a solemn Protestation of their Allegiance to Queen Elizabeth by a publick Instrument the last day of January, and the last year of Her Majestie's reign, wherein, after having acknowledged the Queen (though divided from the Church of Rome in Communion) for their true and lawfull Sovereign, they promised that they would yield to Her Majesty all Obedience in Temporal causes, notwithstanding any Authority or any Excommunication whatsoever denounced, or to be denounced, against Her Majesty or Her Subjects.

The

The Second Treatise against

The like Declaration and Acknowledgment Mr. *James Haughton*, (*alias* Mr. *Thomas Green*,) Professour of Divinity of the holy Order of Saint *Benedict*, gave under his hand to the then Lord Bishop of *Durham*, the 5. November An. 1619. and did promise and vow to be a true and faithfull Subject to His Majesty and His Successours during his life, notwithstanding any Sentence from the Pope whatsoever of Excommunication, Deposition, or Absolution of His Majestie's Subjects from their natural Obedience to Him or His Heirs.

There hath of late years been often reprinted a brief Explanation of the *Roman* Catholick belief concerning their Church-worship, justification, and Civil government, in the last clause whereof are these expresse words: "We are (say they) "most strictly and absolutely bound to the exact and entire "performance of our Promises made to any person of what "Religion soever, much more to the Magistrates and Civil "Powers under whose protection we live, whom we are "taught to obey by the Word of God, not onely for fear, but "Conscience sake, and to whom we will most faithfully ob- "serve our Promises of Duty and Obedience, notwithstan- "ding any Dispensation, Absolution, or other proceedings "of any forreign Power or Authority whatsoever. And this they sincerely and solemnly professed in the sight of God, the Searcher of all hearts, without any equivocation or mentall reservation whatsoever.

History of
the *Irish* Re-
monstrance
first part of
the first
Treatise, 3.
86.
The Publi-
sher of the
Questions in
his Preface
to the Au-
thour him-
self, pag. 25.
And the Pro-
testant in the
9. Controver-
sial Letter.

The Objection which some offer against the sufficiency of these or the like forms, grounded upon the difference which the Objectours make between [*Will not*] and [*Cannot*,] is, in my opinion, wholly groundless: what they pretend with so much solicitude in behalf of the State being onely this, That it is not enough for a man to swear he *Will not*, unless he swear also he *Cannot* be dispensed with or absolved from his Allegiance. Which to me seems no reason at all, why *Will not* may not be as good a Subject, and give as full security for his Allegiance, as *Cannot*: his Oath by which he swears he will not ever accept or make use of any Dispensation or Absolution from his Allegiance, being to him as indispensably binding,

binding, and tying him as fast to his Prince and his interest, as any Oath can possibly do. For if it be replied, that he who now swears he will not ever accept or make use of any such Dispensation or Absolution, may come hereafter to alter his mind; and then what is become of his cobweb-Oath, and the security he gave for his Fidelity? It may with as much reason and truth be retorted, that he who now swears he cannot be dispensed with, nor absolved from his Allegiance, may come hereafter to alter his opinion; and then where is his cobweb-Oath, and the security he gave for his Fidelity? I answer then for both, That though Wills and Opinions are slippery things, yet an Oath may fix both the one and the other; yet with this difference and advantage against the fore-said Opinion, that Wills may be fixed immediately, Opinions onely mediately, and indeed by no other means then by first fixing of Wills.

First then, that an Oath may immediately fix and restrain the Will, I take to be a clear case: for he that swears (for example) he will not doe such or such a thing tending to the prejudice of a third person, is without more adoe under as streight and indispenfable a ty as any Oath can bring upon him; that is, he cannot so much as change his Will, nor goe back with his Promise, without Perjury, and proving false to God, his own heart, and his Oath. As for Opinions, since it hath been already proved, that it can never be safe to swear or abjure an Opinion; and then, (secondly,) though it were, yet such an Oath, being an assertory Oath, could bring no bond or obligation upon the Swearer, so much as of not changing his Opinion for the future: hence it plainly follows, that the way of fixing and restraining Opinions is onely mediately, and by first fixing and restraining the Will, either by a promissory Oath, or by the severity of the Law, or by both jointly. For instance, take in King *Henry the VIII.* his daies; upon occasion of the then *Six* famed *Articles* of Religion, it was ordained and enacted by authority of Parliament, “That if any person or persons within this Realm of *England*, or in any other of the King’s dominions, did by
G “word,

H. 8. 31.

“word, or writing, printing, cyphering, or any otherwise,
 “publish, preach, teach, say, affirm, declare, dispute, argue,
 “or hold any Opinion contrary to the foresaid Articles,
 “that then such person or persons so offending should be liable
 “to such and such particular penalties as are expressed
 “in the Statute.

Were this pattern copied out by our Age, and that there were a Law now in force, That if any person or persons within this Realm, or in any other of the King's dominions, did by word, writing, printing, cyphering, or any other waies, publish, preach, teach, say, affirm, declare, dispute, argue, or hold any Opinion in favour of the Pope's Power of deposing Princes, that then such person or persons so offending should be liable to such and such penal severities, as the Legislative power of this Nation had in their grave wisdom thought fit to appoint; were there, I say, such an Act as this in force, he who would swear to a strict observance thereof, would have no more to answer for his Opinions in this particular.

But yet again, though there be no such Law extant, let but the good Subject be admitted to swear, that he will never by word, deed, or any otherwise, countenance, abett, defend, maintain, preach, teach, or publish any Opinion in favour of the Pope's direct or indirect Deposing power, and for the rest, that he will inviolably bear Faith and true Allegiance to the King, notwithstanding any Dispensation or whatever other proceeding to the contrary, and not onely never act against Him, but also assist, to the best of his power and skill, and side with Him against any Power whatsoever, that shall at any time act against Him, or attempt against His Sacred Person, Crown, or Dignity: Questionless, no Security imaginable can be greater then this; forasmuch as no one can be more faithfully true to his King, or more securely incapable of proving disloyal to Him, whilst this Oath is kept. And for security that he will keep it, I conceive, no good Subject will refuse to swear that he will be content, if ever he fail in the performance hereof, to be deemed and adjudged

judged a Disturber of the peace, and an Enemy to his King and Country, a man forsworn before God and the world; and will therefore freely offer to be punished as in case of Perjury and Rebellion, that is, to forfeit his Body to the Law, his Soul to the doom and wrath of the last day, and his Name to scorn and reproach. Were this thoroughly weighed and duly sworn, I know no Expedient that could more effectually contribute to the perfect quieting of all just fears of the State, nor more securely answer for the peaceable disposition and opinions of the Swearer; whenas even the most hidden thoughts and abstracted notions of the speculative man, being under unjust restraint, and having for guaranty such an Oath and sacred Engagement, are sufficiently bound to their good behaviour, and secured from all sacrilegious attempts of breaking inclosure, and shewing themselves abroad, though onely by way of publick and open discourse.

Wherefore I shall conclude with the Fourth Controversial Letter, in behalf of the silencing and abjuring all Disputes in reference to the Deposing doctrine, heartily wishing, as * he doth, "that we may all preserve the majesty of Supreme powers in an awfull distance, and submit to them with the reverence of a quiet Obedience, and not make them cheap by unreasonable Disputes. Princes and Bishops are both sacred; let what belongs to them be so too, and not touched, without the excuse of necessity, or obligation of duty: let every quiet and peaceable spirit say, Obedience is the duty which God and my condition require from me; and in the performance of that I will endeavour to be found unblamable, and leave disputing to those who value the praise of a witty and subtle man, above that of a faithfull and quiet Subject.

* Pag. 8.

CHAP. IX.

An Answer to the Authour of the Questions as far as concerns our present Question.

IN the first place I shall speak to matter of fact, relating to the *Sorbon* Censures, and the Subscription of the *French Jesuits*; the clearing of both which particulars from some unwary misrepresentations and disguises of our Authour shall be the chief subject of this Chapter.

The first and leading Censure was that of the Sacred Faculty of Theology, which, upon occasion and mature examination of a certain *Latine* Book printed at *Rome* 1625. having in the 30. and 31. Chapters found these Propositions, *That the Pope may with temporal punishments chastise Kings and Princes, depose and deprive them of their Estates and Kingdoms, for the crime of Heresy, and exempt their Subjects from the Obedience due to them; and that this custome hath been alwaies practised in the Church, &c.* and on the 4. of *April* 1626. censured these Propositions of that pernicious Book, and condemned the Doctrine therein contained as new, false, erroneous, contrary to the Word of God, rendring odious the Papal dignity, opening a gap to Schism, derogative of the Sovereign Authority of Kings, which depends on God alone, retarding the conversion of Infidels and Heretical Princes, disturbing the publick Peace, tending to the ruine of Kingdoms and Republicks, diverting Subjects from the Obedience due to their Sovereigns, precipitating them into Faction, Rebellion, Sedition, and even to commit Parricides on the Sacred Persons of their Princes:

The University of *Paris* in their General Assembly on the 20. of *April* 1626. decreed, that this Censure should be publicly read every year; and that if any Doctour, Professour, Master of Arts, or Scholar, should resist, disobey, or make any the least opposition against the said Censure, he should
imme-

immediately be expell'd, and deprived of his Degree, Faculty and Rank, without hopes of re-admittance.

The like Decrees on the same occasion, the same year, against the same Doctrine, were made by Seven other Universities of *France*. Likewise the *French Jesuits* subscribed the *Sorbon* Censures, as the Authour of the Questions tells us. And that this was actually done, he is confident will not be denied: that it was commanded, "we need no farther evidence (says he) then the Arrest it self of the Parliament of *Paris*, dated the 17. of *March* 1626. wherein it is ordered, "that the Priests and Scholars of *Clairmont*, and of the other "two Houses which the *Jesuits* have in *Paris*, should within "three daies subscribe the Censure made by the Faculty of "*Sorbon*. This the Authour of the Questions; who needed not have been so confident of this last evidence drawn from the Arrest of the Parliament, which doubtless must needs be a mistake: for otherwise, (unless we be resolved to rob the Year 1626. of some more daies then were thrown out of the Year 1582. for the Reformation of the Calendar,) it will be a little hard to understand, how the *Jesuits* should be commanded, by an Arrest of Parliament dated the 17. of *March* 1626. to subscribe the *Sorbon* Censures within three daies, whereas the first of these Censures was not made before the 4. of *April* 1626. and the other not before the 20. day of the same month and year, even according to his own computation. The occasion and ground of the mistake, I conceive, was this; In the month of *December* 1625. the *Sorbon* issued out a Censure against another Book, entituled *Admonitio ad Regem*, and it was the single Censure against this Book, and not the two other Censures against *Santarellus* his Book, (as our Authour mistakingly supposed,) which the *Jesuits* were commanded to subscribe within three daies by an Arrest of Parliament dated the 17. of *March* 1626. and looking back to *December* 1625.

This very quotation and copy of the Censure of the 4. of *April* is not free from its mistake, or at least of begetting a mistake in others, and making them think the Censure more

See the Cen-
sure it self,
and first
Cont. Letter,
pag. 13.

clear and home to the point then possibly it is. For amongst the Propositions and Doctrines which the Faculty of Theology had found in the 30. and 31. Chapters of *Santarellus* his Book, the Authour of the Questions having onely set down these, "That the Pope may with temporal punishments chastise Kings and Princes, depose and deprive them of their Estates and Kingdoms, for the crime of Heresy, and exempt their Subjects from the Obedience due to them, and that this Custom has been alwaies practised in the Church—here he cuts off what follows, and defeats his Reader of his full information with an unreasonable [*&c.*] as if these Propositions were the onely, or at least the principal, object of the Censure: which yet may justly be doubted, for the Faculty goes on in the charge against *Santarellus*, as teaching in the foresaid Chapters, "That Princes may be punished and deposed, not onely for Heresy, but for other causes; (1.) for their faults, (2.) if it be expedient, (3.) if they be negligent, (4.) if their persons be insufficient, (5.) if unusefull, and the like; and then follows the Censure it self, not singly and separately upon each Proposition by it self, (which yet is the usual method of the Faculty,) but upon the whole taken in gross: which puts a quite different face upon the matter from what our Authour had given it, and renders it doubtfull whether the Faculty would have pronounced so severe a Judgment against the first part of the Doctrine, had not those last Propositions proved to be the aggravating circumstance (or rather cause) that deservedly occasioned and sharpened the Censure.

As to the Subscription of the *Jesuits*, the true account of that action stands thus: *Santarellus* his Book had been condemned at *Rome*, which it was not for our Authour's purpose to take notice of, and his Doctrine generally cried down, and disavowed by all good men, before ever it fell under the brand of the *Sorbon* Censures: all which notwithstanding, such and so eminently singular was the caution and zeal of *France* against this (though already sufficiently suppress) mischief, that upon the 14. of *March* 1626. the Principal of the
French

French Jesuits, with three Superiours, and three other ancient Fathers, being summoned to appear before the Parliament of *Paris*, and being asked what they held as to the Points noted in *Santarellus*; Father *Cotton*, the then Provincial, (having in the name of the rest of his Order disclaim'd all singularity of Opinions different from other Divines,) answered, "That the Doctrine of the *Sorbon* should be theirs, and " what the Faculty of *Paris* should determine and subscribe, " they were ready to subscribe also. And this indeed may pass for a Subscription to the *Sorbon* Censures, even before they were made.

But from this Subscription of the *French Jesuits* our Author runs into another mistake, seeming to wonder why the *English Jesuits* should scruple a downright Oath, which is exacted of us, any more then the *French Jesuits* did a simple Subscription, which was onely required of them: And then taking upon him a sober and grave style to open the mystery of (this particular) *Jesuitism*, he attempts it in these very terms.

" Now were I demanded a reason, (says he) why so circumspect and wise a Body should act so differently in the " same Cause, but different Countries, I could onely return " this conjectural answer, That, being wary and prudent persons, they could not but see the concerns they hazarded in " *France*, by refusing to subscribe, far more important then " what they ventured at *Rome*, by subscribing; whereas in " *England* all they can forfeit by declining the Oath of Allegiance (being themselves but few, and without the engagements of Colledges and Foundations,) is perhaps of " less esteem with them, then the interest of their universall " Body at *Rome*, whence so many advantages are continually derived to the rest of their Society. This is to a tittle his full discourse upon this subject.

And now were I demanded a reason, why this Gentleman should thus freely let loose to a weak and meer conjecturall descant upon the very thoughts and secret intentions of religious men, (as if any temporal interest were or could be more
dear

dear to, or sway more with them then Loyalty to heir King and Country,) my charity would prompt me to ascribe it to something of a too precipitate and mistaken zeal, or sinister preoccupation of judgement, which is too easily taken up at unawares in this Age of ours, and oftentimes fostered to the great prejudice of the innocent, even by persons otherwise of a sober and no immoderate temper; who might doe a great deal of right, no less to themselves then others, would they be pleased to consider, that this is a great breach of Christian Charity, and is one day sadly to be reckoned for, when an impartial and all-knowing Justice shall sit upon the Bench to judge between man and man.

Neither is the strength of the Gentleman's Discourse, nor the depth of his Politicks, such, but that a very common reason and an easy reflexion (bating passion and prejudice) may be *Machiavil* enough both to fathome and answer him. For if the Cause of the *French* and *English Jesuits* were the same, (as he pretends it is,) and withall they supposed to be those circumspect, wise, wary, prudent persons, as he is pleased to character them in this place; then the *English Jesuits* must needs see, that by writing after the copy which the *French Jesuits* have set them, they could not in any likelihood hazard any of their publick concerns at *Rome*, nor justly fear the endangering the interest of their universal Body there, by acting no more then the *French* had done in the same Cause without any known check or censure from the See Apostolick to this day. And the Authour of the Questions affords me a convincing proof of this in his second Question, from whose mouth I take the words, and argue thus; That if there be Reasons enough to turn the eye of Authority quite away from seeing what the *French (Jesuits)* so openly avowed in the face of the world, are there not enough to connive at the *English (Jesuits)*, who are but a few, and act privately, and not without the excusing plea of extreme necessity? The Argument cannot be disliked, because it is perfectly his own. Wherefore if (as he saith) the Cause of the *English* and *French Jesuits* be the same, I conceive our Authour was
much

much mistaken in his conjectural answer, as to the reason he assigns of their different Actings in the same Cause. For if the Cause be not the same, (as plainly it is not,) then this mistake is much the greater, and his charity the less. Had he produced a Censure against the Pope's Deposing power (equal to that of the *Sorbon*) drawn up, signed and assented to by the generality of Seculars and Regulars here in *England*, (for the satisfaction of the State, demanding as a Test of our Allegiance the Subscription of such a Censure,) and the *Jesuits* alone should stand out, and refuse to subscribe and set their hands to it; or if he had given us an Oath of Allegiance, exactly parallel to ours, taken by the *French Jesuits*, and declined by the *English*; then indeed the Cause of both had been the same, and their Actings different: but these two conditions both failing, that is, the *French Jesuits* having no such Oath of Allegiance to take as ours, nor the *English* any such Censure to subscribe as the *French*; evidently the Cause of the one and the other is not the same, and so it will be no wonder to an impartial Considerer they should act differently in different Causes: though I shall shew afterwards, that nothing can difference either their Principles or Practices, where the Cause will bear it.

Another mistake of the Authour of the Questions is, the very reason given by him why he conceiveth the distinction between a simple Subscription and a down-right Oath to be a meer unnecessary Scruple; "because (saith he) no sincere and "generous honesty will solemnly and deliberately attest under "his hand, what he will not in due circumstances swear to be "true. How? swear to be true? and yet this Gentleman knew full well (had he but reflected on it) that the onely Question here is, of Swearing or Abjuring Opinions. Wherefore had this Reason of his fallen under *Montalt's* hands, and that he had catcht it dropping from a *Jesuit's* pen, how he would have answered it I know not: but I am sure, the daily practice of the Church, in a free and unoffensive Subscribing of Opinions, abundantly confutes it: for what more usuall amongst our greatest Divines, in resolving Cases of

weight and concern, then to deliver and attest their Opinion under their hand ? And was it not thus that the Faculty of Theologie delivered and subscribed their Censure, as a Judgment for others to remember to frame and regulate their Opinions by ? Again, doth not our Authour himself, in his Preface, reason the case in this very manner, " that if three or four Doctours, nay perhaps one, who hath well studied the point, can make an Opinion safe, how much more where a greater number and whole Universities engage their Judgment ? And if then the *French Jesuits*, submitting their own, subscribed to the Judgment of the University of *Paris*, and by it were willing to frame and regulate their own Opinions ; let any friend of our Authour, or his Principles, speak wherein or what was their trespass. For if, as he argues, the Authority of so many Catholick Doctours rendered their Opinion safe ; sure it could not be unsafe in the *Jesuits* to subscribe it as such. But now, to draw a generall consequence from a simple Subscription to a down-right Oath, as our Authour doth, and to conclude, that a sincere and generous honesty will oblige a man, in due circumstances, to swear every thing he attests under his hand to be true ; this, in other terms, is to conclude, that a sincere and generous honesty will oblige a man in some circumstances to act against Reason and Conscience, by swearing an Opinion to be true : which kind of Oath is a gross offence both against Logick and Divinity, and no less then Sacrilege and Self-contradiction, as hath been already proved in the Fifth Chapter.

The last mistake (waving many others) I shall concern myself with at present is found in the Authour's Fourth Question, where he informs his Reader, that the *Jesuits* are the strictest of all Religious in maintaining and extending the Pope's Prerogatives. This he gives and attests under his hand in print : but I hope his sincere and generous honesty would have been loth deliberately to swear it to be true : for as I question not but he was too good a Christian deliberately to swear an untruth ; so I think he was too much a Scholar

Scholar deliberately to take this for a truth. For let any learned and unprejudiced person but compare *Bellarmino*, *Suarez*, or any other Writer of the Society, not onely with the loose and exorbitant Fantasies of *Carerius*, *Musconius*, or *Zecchius*, but with other grave Religious men, with *Panormitanus*, *Alvares Pelagius*, *Augustinus Triumphas*, *Bosius*, and too many others to be listed here; and then let him freely judge and speak as he sees cause, which of these Religious are the strictest in maintaining and extending the Pope's Prerogatives. I am sure *Jo. Barkley*, one of *Bellarmino's* greatest adversaries, was yet so just to him, as to let the world know, that *Sixtus Quintus* expressed his great displeasure (and it was near passing to a Censure) against the Learned Cardinall, not for extending, but rather for clipping the Pope's Prerogatives, by disputing and writing so much as he did against the direct Power, and so giving less to the Pope than the Pope himself claimed, and other Religious men asserted as his due. Besides, how can it be averred with truth, that the *Jesuits* are the strictest Religious in maintaining and extending the Prerogative of the Deposing power, who of all Religious are the onely persons that, by especiall Precept and Decree, (which was first made by themselves; and afterwards renewed at the instance of the Parliament of *Paris*,) have silenced this Doctrine in their Pulpits, shut their School-doors against it, banished it from their publick Disputes, and suffer not so much as the mention of it to pass under their Pens, unless where necessity or duty make it a Crime to be wholly silent?

Jo. Barkley
in his *Vindicta*,
pag. 106.

This the Publisher of the
Questions
observes.

Lastly, how far the *Jesuits* are from being the strictest in maintaining and extending the Pope's Prerogatives by any particular Doctrine of their own, and how ready they are to disavow and renounce all singularity in this kind, both *England* and *France* afford us a fair instance, in a very observable (and, I think, unexceptionable) harmony of professions and acting between the *English* and *French Jesuits* in point of Allegiance. For as father *Cotton*, the mouth and speaker of the rest of his Order in *France*, freely offered, that the Doc-

The Account
of the *Jesuits*
Life and
Doctrine,
pag. 120.

trine of the *Sorbon* should be theirs, and that what the Faculty of *Paris* should determine and subscribe, they were ready to subscribe also: so in the year 1661. (the very year wherein these Questions concerning the Oath of Allegiance first came to light) an *English Jesuit*, in the behalf of the rest of his Brethren, offered in print, "that what Oath of Allegiance the *English* Clergy and other Religious should agree upon, that they would most readily take themselves, "and willingly invite all others to take it. An evidence then which I think a greater cannot easily be given, how far they are from any particular kindness to any less allowable Doctrine of their own, who shew so much of submission and deference to others Judgments, as best suiting with the modesty and humility of Religious men.

CHAP. X.

The rest of the Answer to the Authour of the Questions.

After a carefull survey, and a no less impartial then particular and due examination, of his small Treatise, I find the main Question throughout the whole so generally mis-stated by him, even contrary to his own expresse assertions, and the very terms wherein he first proposed, and thereby engaged to dispute it, (which I set down in the First Chapter, and purposely stated the principall Controversy out of him, with this previous and particular Observation, *That our present Question was not, Whether a Catholick may safely deny, but, deny by Oath, (that Deniall also being the very Substance of the Oath,) and universally abjure the Pope's Power of deposing Princes:*) which point he hath treated so cursorily, and spoken so little directly to it, that the onely application of my former discourse by way of Answer to his few proofs, will be all the Answer which the rest of his Book can

can justly claim, and the discovery of his Mistakes will be the refutation of his Arguments.

As first, where he endeavours to fetch the parallel over from *France* to *England*, arguing from the Censures and Judgment of the *French* Divines, and pressing the Question home, why we may not safely and uncensurably profess as much as they. To which is answered from the foresaid grounds, That though we might safely and uncensurably profess as much as they, yet 'tis one thing to profess as much as they, and another to swear as much as they profess; and that though the first might, yet the second cannot be safely and uncensurably done: and this for the same reason which by repeated instances I have often inculcated, that where Catholick Divines teach differently, some one way, some another, there can be no safe ground for an assertory Oath in either way, because, chuse which of the two ways you please, it will still be a Question amongst the Learned, whether Truth lies in that way or no; and it is this Questionableness of the Point (till the Church interpose for the decision of the Case) will rise up in judgment against the Swearer, and make out the charge of Perjury against him. And truly, were there no more in taking the Oath of Allegiance, then in Subscribing the *Sorbon* Censures, I would gladly ask this Question of the Authour or Publisher of the Questions, That whereas the said Oath hath been long since translated, and hath now travelled abroad in the Latine tongue for some more then one or two scores of years, how it comes to pass that so many famous *French* Universities, which so unanimously and solemnly and deeply condemn this Position of the Pope's Deposing power, (and all this, as the Authour of the Questions observes, without constraint, voluntarily delivering their free Judgment, unmenaced by their King, unconcerned in Self-preservation,) should not (at least out of a common concern for Religion, whose credit is at stake, or out of a sense of Compassion to us their suffering Brethren in *England*, where our Laws so threateningly command, and our All is so near concern'd) voluntarily deliver their free Judgment,

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ment, and unanimously subscribe our Oath, and by their Subscribing encourage us to the taking of it; if it were really true, that the taking of the said Oath amounted to no more then the denying or condemning of this Position of the Pope's Deposing power, or that a simple denying and denying by Oath, or condemning and abjuring, were all one.

Then for his next Argument, (" That however the Deposing power may by some be held speculatively probable ;
 " yet, as to any execution, it is practically no Power at all
 " against one in possession, and consequently may be ab-
 " jured as such ;) This, I say, seems too plainly to beg the question, and to take that for an uncontrovertible truth, which hath been already shewn (and is necessarily implied in the very state of the Question) to be the chief, or rather the onely point in controversie, between the Deniers and Assertors of the Deposing power. For, that this Deposing doctrine hath been held by Popes and other Learned Divines, not onely as speculatively probable, but also as safely practicable, even against one in possession, appears manifestly, not onely by their open pretence and claim, but also by their frequent and publick Sentence of Deposition against severall Sovereign Powers, (all of them actually in possession,) even from the time of the Emperour *Hen. IV.* to the days of King *Hen. IV.* of *France*, the first and last of Christian Princes who stand as instances upon record, and sad testimonialls, of Papal Deposition ; the one having had the Sentence of Depri-
 vation passed against him by Pope *Gregory VII.* the other by *Sixtus V.* *England* in particular hath cause to remember and deplore the lamentable effects of the like Sentence pronounced by *Paulus Tertius* against King *Hen. VIII.* and of *Pius Quintus* against Queen *Elizabeth*. Likewise I have already, in the Fourth Chapter, quoted the testimony and free acknowledgment of the Authour of the Questions, that this act of deposing Kings hath not onely been done by Popes, but approved by Councils. All which I do not produce (any more then he himself doth) with the least intention or design to interest my self in the decision of that Question,

So Onuphrius
 mentions
 him, lib. 4.
De varia cre-
at. Rom. Pont.

on, or to prove that the Doctrine is in it self practically probable; but onely that it was held so by Popes, Councils, and Learned Divines; and therefore, as being a controverted Point of doctrine, can be no due and immediate object of an assertory Oath, nor safely abjurable (even by those who otherwise hold it safely deniable) as practically no Power at all.

There followeth another Argument, which the Authour of the Questions, in pursuance of his usual way of arguing, and conformably to the title of his Work, proposeth by way of Quere. "Let them tell me, (saith he, *pag. 25.*) are they not ready to swear they will faithfully serve their King whiles they live, and that notwithstanding any Papall Dispensation, or whatever other proceeding to the contrary? What signifies this but an express renouncing all Obedience to the Pope in these Points? True, say they, we renounce Obedience, but not the acknowledgment of his Power: we will adhere to the King, though the Pope should depose him; but will not say he cannot depose him. What wise and reall difference (as to Government and the practicall part of humane life) can we imagine between these two, *I'll swear never to obey my Commander*, and, *I'll swear he has no Power to command me*?

The summe of the first part of this Discourse (which is quite besides the Question) in a short word is this, either deny the Pope's Authority, or obey it: so that if those good Subjects, who are ready to swear they will adhere to the King, though the Pope should depose him, will but say (though not swear) he cannot depose him, (which is no more then with the *French* Divines to deny the Deposing power,) then the Gentleman and the first part of his Argument are satisfied. Now to his Question that follows, (which is the second, and indeed the onely pertinent part of his Argument;) "what wise and real difference (as to Government and the practicall part of humane life) there is between these two, *I'll swear never to obey my Commander*, and, *I'll swear he hath no Power to command me*; they will

will easily answer, that the last of these two Oaths is an assertory Oath, and swears to a disputable piece of Doctrine as to an absolute Truth, which is down-right Perjury, as hath been proved already in the 2. 3. 4. and 5. Chapters: the other (*I'll swear never to obey my Commander*, to wit, the Pope, in this particular case of Deposing the King,) being a promissory Oath, and tending wholly to practice, engages not for the absolute truth of any Doctrine, but onely for the Swearer's Allegiance and Loyalty, and therefore requires no absolute certainty to build on, but onely a safe and practically-probable Opinion, as a sufficiently-strong principle of action, such as the Authour of the Questions every-where designedly maintains the Deniall of the Pope's Deposing power to be; from whence they will lastly conclude, that there is as much difference between these two Oaths as between Perjury and Loyalty: and sure that is difference enough, even as to Government and the practical part of humane life.

In the last place comes his conjectural proof, or rather his meer affirmative presumption, That our glorious Ancestours, who refused, and suffered for refusing, the Oath of Allegiance, would certainly have changed their judgment, had they but seen, read, perused, examined, and thoroughly considered, all those many particulars which he dilates upon in a large flourish of words. To all which my Fifth Chapter may serve for a Reply, and a sufficient evidence, that had these worthy Predecessours of ours seen the unanimous Judgment of so many Universities, and the publick Subscriptions of so many eminent Regulars, (they are the words of the Authour of the Questions;) had they examined the sense of Antiquity towards Sovereign Princes, which acknowledge them Supreme in Temporals, and accountable to none but God; had they read the learned Treatises composed by Catholick Writers, both of our own and other Nations, where this King-dethroning Power is absolutely disavowed; had they perused the Declarations of the Kings in *France*, and Arrests of Parliaments there; had they, I say, done all this, and more then this; yet after all, they could have found the
Opinion

Opinion denying the Deposing power to be no more then an Opinion. Neither the Judgment of the *French* Universities, nor the learned Treatises of both the *Barkleys*, father and son, nor *Withrington's* Gloss and Exposition, together with the Apologetical answer, his Theological Disputation, and whatever else he wrote against *Suarez*, *Lessius*, *Fitzherbert* and *Skulkenius*, can prove it to be any more then an Opinion, in the opinion of the Authour and Publisher of the Questions. And since that enough hath already been said to prove, that an opinionative assent cannot safely ground a conscientious Oath, asserting the truth or abjuring the falsehood of the thing that is sworn, I shall now pass to this final conclusion of my Discourse, That whereas it is the voice and Law of Nature, that Protection claims Allegiance, and that perfect Subjection to Civil Powers under which we live is the strict injunction no less then dictate of Reason, whereby it comes to pass that nothing is or ought to be more inviolably dear to a loyal heart, nor more highly and justly valuable in it self, then to be and to bear the name of a good Subject; (life and fortunes are nothing to it :) yet since that to take the Oath as it lies, were to over-buy that precious title, by making Perjury the price of it, and laying out our very Souls upon the purchase, whenas it is to be had at a much cheaper rate, and as with more ease to the Conscience of the Subject, so See Chap. 8. with no less Security to the Prince; we must conclude upon the whole, that it can never be lawfull thus to rob God of the things that are God's, under pretence of rendring unto *Cesar* the things that are *Cesar's*, nor to ground our Allegiance to the King upon the forfeiture of our Loyalty to the King of Kings.

THE HISTORY OF THE

REIGN OF KING CHARLES THE FIRST

IN THE YEAR OF HIS REIGN

THE FIRST OF JANUARY

THE FIRST OF FEBRUARY

THE FIRST OF MARCH

THE FIRST OF APRIL

THE FIRST OF MAY

THE FIRST OF JUNE

THE FIRST OF JULY

THE FIRST OF AUGUST

THE FIRST OF SEPTEMBER

THE FIRST OF OCTOBER

THE FIRST OF NOVEMBER

THE FIRST OF DECEMBER

THE FIRST OF JANUARY

THE FIRST OF FEBRUARY

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THE FIRST OF NOVEMBER

THE FIRST OF DECEMBER

THE FIRST OF JANUARY

THE FIRST OF FEBRUARY

THE FIRST OF MARCH

THE FIRST OF APRIL

THE
THIRD TREATISE
AGAINST THE
OATH of ALLEGEANCE.

Several Considerations proposed for the satisfaction of such Catholicks as desire to be informed concerning the Oath of Allegiance, Enacted Tertio Jacobi, Capite quarto.

I. **C** Concerning the Lawfulness of an Oath in general; Consider, First, that (as all do confesse) three Conditions are requisite for the Lawfulness of an Oath, *viz. Truth, Justice, and Necessity.* So that an Oath wherein any thing whatsoever contained, though never so little, is either *unjust, false, or doubtful,* or if the taking of it be not *necessary* and effectual to some good end, is unlawfull, and ought to be refused. Secondly, Consider, that any Oath whatsoever, wherein any of the forementioned Conditions is wanting, is, according to the constant sentiment of Divines, intrinsically evill, and such as cannot be justified in any case possible, though never so

great good be hoped for by taking it, or never so great evil be feared by refusing it. Thirdly, Consider, that whoever takes any Oath, though in it self never so just, without a due previous Consideration, swears rashly, and commits a grievous Sin. To this all do agree. Whence I conclude, That to the end one may lawfully take this Oath, it is necessary that, after a serious Consideration, he finds nothing therein *unjust*, nothing *false*, nothing *doubtfull*, and that he judges the taking thereof to be *requisite* and effectually for some good intent.

2. Concerning the Unlawfulness of this Oath, deduced from the Briefs of Popes issued forth against it, Consider, First, that the Unlawfulness of this Oath has been declared by * three several Briefs of Popes. The First was issued forth by *Paul* the V. *September 21. 1606.* the Second by the same Pope *September 21. 1607.* the Third by Pope *Urban* the VIII. *May 30. 1626.* This neither Protestants nor Catholics deny.

* *Vide aliud Breve Paul. V. ad D. Georg. Birket 1. Febr. 1608. aliud Urban. VIII. ad Regem Gallia 3. Maii 1626. & aliud ejusdem Pontific. eodem die & anno ad Episcop. Chalcidonensem.*

Secondly, Consider, that several things are contained or involved in this Oath, the decision whereof appertains onely to the Spirituall and Ecclesiasticall Court; *viz.* How far the Spirituall Power extends it self, What Authority *Christ* left to the Supreme Spirituall Pastour as such, What are the effects of an Excommunication, What Propositions are Hereticall: and the main debate about this Oath is, Whether it be Sinfull or not. The decision of all which things, (wherein consists the chief difficulty of this Oath,) according to the unanimous consent of both Catholics and Protestants, belongs onely to the Ecclesiasticall Court.

† *Supplic. to Paul V. p. 2. &c. Vide etiam Supplic. Thom. Prestonii & Thom. Greeni ad Greg. XV.*

Withrington, the great Stickler for the Oath, made his † humble address to the Pope concerning this matter, representing unto him his Reasons for the Lawfulness thereof, and earnestly beseeching him, that, "laying aside the Misinformation of others, he would be pleased to give his Judgment therein according to his own knowledge. Which certainly he would never have done, had he not been perswaded that there was something contained in this Oath, the
Judg-

Judgment whereof did appertain to the Pope and to the Ecclesiasticall Court. Moreover, the same Authour, with other Catholicks who have written in defence of the Oath, do plainly professe, "that, were the Unlawfulness thereof declared by a General Council, they would think themselves bound to submit. And yet neither in that case would they be bound to submit, were not the Cause Ecclesiasticall; for such Causes onely appertain to Councils.

3. Consider, Thirdly, that the Pope is Supreme Governour in all Spirituall and Ecclesiasticall affairs: which no true Catholick can question.

Fourthly, that an exterior * Obedience at least is due to the Sentence or Judgment of all Supreme Governours, in all matters appertaining unto them, and so far as they do appertain unto them; which all do grant who grant any Government: and consequently, that an exterior Obedience at least is due to the Orders or Prohibition of the Pope in all Ecclesiasticall matters. And this all must confess, who confess him to be Supreme Governour in such matters.

Fifthly, Consider, that it is unlawfull to deny any Obedience or Compliance that is due, as is manifest; and by consequence, that it is unlawfull to deny an exterior Obedience to the Orders or Prohibition of the Pope in all matters appertaining unto him, and no farther then they appertain unto him, or in all Spirituall and Ecclesiasticall matters.

Sixthly, That the Popes have prohibited this Oath, by reason of the Clauses it contains relating to the Ecclesiasticall Court, and for Spirituall and Ecclesiasticall respects onely: viz. for † containing things contrary to Faith and Salvation; or, for being noxious and sinfull. For such Motives, and no other, are exprest in the forementioned Briefs. And consequently, that they have prohibited this Oath upon the account of matters appertaining unto them, and no farther then they do appertain unto them. Lastly, Consider, that whoever takes this Oath denies an exterior Obedience to the Pope's Prohibition contained in the Briefs. For he exteriorly

* *Sententia Papæ obligat ad non dogmatizandum contrarium.* Gerf. Tra&. de exam. doctrin. confid. 2. Vide Duvall. in Elencho, pag. 106.
† *Hujusmodi Juramentum salvâ Fide Catholicâ & Salute animarum vestrarum præstari non potest; cum multa contineat quæ Fidei & Salutis aperte adversantur.* Paul. V. i. Brev. Urban. VIII. vocat *Juramentum noxium & illicitum, & addit, auctoritatem B. Petri eâ jurisjurandi formulâ imminui.*

The Third Treatise against

ourly takes an Oath, which the Pope in such Briefs prohibits to be taken; as is evident.

4. Hence I frame this Argument, to conclude the Unlawfulness of the aforesaid Oath: *Whoever takes this Oath, denies an exterior Obedience to the Pope's Prohibition in matters appertaining unto him, and no farther then they appertain unto him. But it is unlawfull to deny an exterior Obedience to the Pope's Prohibitions in matters appertaining unto him, and no farther then they appertain unto him. Therefore it is unlawfull to take this Oath.*

5. If it be objected, First, "That the Pope's Briefs are "of no force here in *England* without the King's approbation, (which these Briefs have not,) according to the Statutes 25. of *Edward* the Third, and 16. of *Richard* the Second, made in Catholick times; and that it cannot be "unlawfull to deny Obedience to a Brief where it is of no "force; neither is there any reason why the present Catholics of *England* should not have the same liberty to refuse "the Pope's Brief, not approved by the King, as the ancient Catholics had:

6. In Answer to this Objection, Consider, First, that what is alledged out of the forementioned Statutes, does not prove that Briefs brought into *England* without the King's licence are void and of no force; but onely that those who procure them and bring them hither without the King's approbation, are liable to a *Premunire*, and other Penalties: which is very different. For though it be punishable to doe a thing, yet the thing once done may be valid. Those who contract a clandestine Marriage here in *England* are liable to the Penalties enacted by the Canons in such cases: yet the Marriage so contracted is valid and obligatory.

7. Consider, Secondly, that should we grant (as we do not) that such Statutes render the Briefs they speak of void and of no force; they are to be understood either of Briefs which import an absolute Power in the Pope to *defeat and avoid at his Will the Laws and Statutes of this Realm*, and consequently *touch the King's Regalities*, as the Statute expresses

presses it, and destroy His Sovereignty in Temporals; which the Briefs we produce do not; for they onely enjoyn a meer forbearance of this Oath, which certainly does not dethrone His Majesty of his Sovereignty in Temporalls; as will appear by what hereafter shall be added: or else of Briefs *Enactive*, (as in other Kingdoms the like Statutes are understood,) whereby some new Law is enacted, or some new thing ordained, relating to the External Government of the Church; as the *Presentments to Churches or Benefices*, or the *Translation of Bishops or Bishopricks*, and such like things which are mentioned in the Statutes: but not of Briefs *Declarative*, whereby such a Doctrine is declared Erroneous or Hereticall, such an Action Sinfull and destructive to Salvation. As, for instance, the *Declarative* part of the Council of *Trent*, though never admitted in *England* by publick Authority, does oblige all *English* Catholicks; but not the *Enactive* part thereof. Now the Briefs we speak of are not *Enactive*, as is manifest, but *Declarative*: For they do not make this Oath unlawfull, but onely declare it to be so.

8. Consider, Thirdly, whether, should it be admitted, that these Statutes in their primary institution did extend to all Briefs whatsoever, it can prudently be thought, that they were ever intended by the Catholicks that made them for the condition wherein we now are in *England*; viz. of an open Rebellion against the Pope and the Church of *Rome*; when no Brief, though never so just, nor nothing else that comes from *Rome* in order to our Spirituall direction, is admitted by publick Authority.

Suppose that before the late Civil Wars it had been enacted by the King and Parliament, (perhaps there is some such Act,) that no Commission sent by His Majesty to any particular person should be of force, unless it were delivered unto him by the Lieutenant of the County where he resided: could we prudently think, that such an Act was ever intended by loyal Subjects, that voted it, for the case of a publick Rebellion, when all the Lieutenants were manifest Rebels against the King, and resolved to pass nothing in His favour,

favour, and, consequently, to deprive thereby His Majesty of all Power to send Orders to His loyall Subjects remaining in *England*, in a time when He had most need of their Assistance ; or that whoever should refuse to obey His Majestie's expresse Commands, under such a pretence, could be esteemed a faithfull Subject ?

9. Consider, Fourthly, whether, should these Statutes be taken in the latitude the Opponent pretends, all intercourse between the Pope and the *English* Catholicks, and all direction from him in order to their Spiritual conduct, would not be quite cut off in a time when they had greatest need thereof, (such is the time of Persecution ;) and all Dispensations, Indulgences and Faculties, and all Powers or Prohibitions whatsoever, that come from *Rome*, (for they all come in Bulls, Briefs, and such like Instruments,) would not be rendered void and of no force.

10. Consider, Fifthly, whether this be not against the common perswasion and practice of the *English* Catholicks, not excepting even those who defend the Lawfulness of this Oath ; who, without any scruple, use their Faculties sent to them from *Rome* ; who procure thence, as occasion requires, Dispensations, Indulgences, and other Powers ; who make their application to *Rome* in severall Emergencies, ready to submit to the Pope's Judgment : and whether it would not be very ridiculous, both for them to procure such things, and for the Pope to grant them, were it true what this Objection pretends, *viz.* That no Brief or Grant brought from *Rome* without the King's approbation (which in this conjuncture of affairs cannot be hoped for) is here of any force.

11. Consider, Sixthly, whether it be reasonable that there should be the same liberty to treat with, (as the Opponent pretends) or the same obligation to depend of Princes who are out of the Church, as of those who are in the Church, in order to Ecclesiasticall affairs: such is the admission or refusal of the Pope's Bulls or Briefs: and consequently, whether the present Catholicks of *England* ought to have the same depen-

dependence of their Prince (who is no Catholick) in order to Ecclesiastical matters, as the ancient *English* Catholicks had of their Princes, who were Catholicks. Certainly no body will say, that we have the same obligation to depend of Governours who are Rebels in order to Civill concerns, as of those that are faithfull; or that there ought to be the same liberty to treat with persons infected, as with persons who are not infected. It was no absurdity for the ancient Catholicks of *England*, to make their Application to their Catholick Princes, for leave to get such a Grant from the Pope; whereas now it would seem very absurd, should they make any such Application to His Majesty. For though we do acknowledge our selves to be as much bound to obey His Majesty in all Civill and Temporall concerns as the ancient Catholicks were bound to obey their respective Catholick Princes; yet hence it does not follow, that we are so much bound to depend of His Majesty that now is (so long as he is of a different Religion from us) in order to Ecclesiasticall Discipline, as the ancient *English* Catholicks did depend of their Princes.

12. Consider, Lastly, that in the above-mentioned Statute of *Richard* the Second expresse mention is made of the *Sentence of Excommunication*; yet all Catholicks, even those who deny the Pope to have any Power to Depose Kings, do unanimously grant him a Power to Excommunicate Kings, if they become Hereticks, and remain obstinate: nay, King *James* refused to oblige His Catholick Subjects to renounce such a Power in the Pope. Now, according to this Objection, no Sentence of Excommunication fulminated against any *English* King (the same is of any of his Subjects) is of any force here, unless approved and submitted unto by himself: and if he submits unto it, he is not obstinate, and by consequence does not deserve to be Excommunicated. So that if what this Objection pretends be true, the Pope has no power to Excommunicate any Hereticall King of *England*, unless in a case wherein he deserves it not: which is, to have no power at all to Excommunicate him.

13. If it be objected, Secondly, " That the Pope with a General Council is above the Pope without it; that with it he is Infallible, without it Fallible; and that therefore we are not bound, with our own prejudice, to stand to his Decrees which are issued out without a General Council, as these Briefs are, nor to forbear taking this Oath, till the Unlawfulness thereof be declared by a General Council, the Supreme Judge of Controversies, which hitherto has not been done; That the Pope may be, and was mistaken and misinformed concerning this Oath, thinking that therein are contained severall things repugnant to Faith and Salvation, though he specifies none of them; and that thereby is abjur'd implicitly a Power in the Pope to Excommunicate Princes, and his Supremacy in Spiritualls; all which is false; and we are not bound to submit to Briefs grounded upon mistakes and misinformations: That the Pope is a Party in this Debate, and by consequence ought not to be Judge in his own Cause: That he must give Sentence according to the Canons or Rules prescribed him by the Church; which he does not observe in the Prohibition of this Oath: Finally, That we ought not to take notice of the Prohibitions or Commands of the Pope, when the Compliance with them may be a cause of great Disturbance in the Church, or is prejudiciall to the Right of others, especially of Sovereign Princes, and to the Duty due unto them, to which God and the Law of Nations obliges us; all which Inconveniences intervene in the Prohibition of this Oath:

Excommunicantur in Bulla Cœne qui subterfugiunt judicium Papæ, appellando ad Concilium Generale.

14. Concerning *the Superiority of a General Council over the Pope*, contained in the Objection; Consider, First, that though the King and Parliament be above the King out of Parliament; yet we are bound to submit, even against our own Interest, to the Orders of the King and His Council in Civill matters, till the contrary be decreed by Parliament; which at least is enjoyned us by such Parliaments as command us to bear due Allegiance to His Majesty as our Sovereign in all Civill matters: and that, in like manner, we are bound to submit

submit to the Pope's Ordinances in Ecclesiasticall matters, even against our Interests, notwithstanding the Superiority of a General Council over the Pope, till the contrary be defined by such a Council; which at least is asserted in such Councils, and by such Fathers, as recommend unto us due Obedience to the Pope, as our Supreme Pastour in Spiritualls. For the Pope is as Supreme in Spiritualls out of a Council, as the King is in Temporalls out of a Parliament; and consequently requires the like submission to his Ordinances.

15. Consider, Secondly, that the Reasons one may seem to have either against the Pope's Decrees out of a Council, or the King's Ordinances out of a Parliament, cannot justify the refusing an exterior Compliance with them; but onely may give one ground to make his Addresses to the Council or Parliament when assembled, to have such Decrees or Ordinances repealed: and that what we require in our present case, is onely, that we should forbear the taking this Oath till the Lawfulness thereof be declared by a General Council, to which we may apply our selves, when convened, to have this matter declared.

16. Concerning *the Fallibility of the Pope, and the Infallibility of a General Council*; Consider, First, that if it be warrantable to refuse an exterior Obedience to the Pope's Decrees in Ecclesiastical matters, because Fallible; upon the same account it will be lawfull to refuse an exterior Obedience to the Orders of Kings and Princes in Civill affairs; for doubtless they are all Fallible, and may be mistaken and misinformed: and so farewell all Government. Secondly, Consider, that even those Catholicks who affirm the Pope to be Fallible out of a General Council, do notwithstanding confess that an exterior Obedience is due to his Commands in Ecclesiastical matters: as the like Obedience is due to the Ordinances of Sovereign Princes in Civil affairs, though Fallible. And in this present Case no more is required, then a meer exterior Compliance with the Pope's Prohibition. Thirdly, Consider, that even Protestants also, who confesse their whole Church, and not onely the particular Pastours

thereof separately, to be Fallible, do yet affirm, that an exteriour Obedience is due to their Ordinances. And it seems somewhat odde, that Catholicks should deny the Pope that Obedience under pretence of Fallibility, which Protestants assert to be due to the Pastours of their Church though Fallible.

17. Lastly, Consider, that the difference between a General Council and the Pope, supposing the Infallibility of the one, and the Fallibility of the other, is, that the Decrees and Declarations of the Pope do oblige onely to an Exteriour Obedience, but those of a General Council to an Interiour Assent also.

18. Concerning *the capacity of the Pope of being misinformed, and the pretended Mistakes* in this present matter; Consider, First, that between the publishing of the first and the last Brief against the Oath, there past Twenty years: That in this time the present Question concerning the Lawfulness thereof was canvased on both sides by Learned men, both *English* and Forreiners: That *Withrington*, the chief Defender of the Oath, and who brings all that is material for it, represented in this *interim* to *Paul* the Fifth his Reasons for the Lawfulness of it, and his Answers to what had been objected against him: That the Popes, in the forementioned Briefs, use as significant terms to remove all just suspicion of Misinformation, Mistakes and Inconsiderateness, [as, *Motu proprio, Ex certa nostra scientia, — Post longam gravemque deliberationem de omnibus quæ in illis continentur adhibitam. — Hæc mera, pura, integræque voluntas nostra est, &c.*] as are used in any Briefs or Instruments whatsoever, in order to that intent. And if this be so, as certainly it is, then Consider, Secondly, that if all these diligences and preventions be not thought sufficient to remove all just suspicion of Misinformation, Mistakes, and Inconsiderateness, what Brief, or what Decree, Ecclesiastical or Civil, is there that the party therein condemned may not (under pretence of the like Flaws) reject and disobey? Such liberty as this, to reject the Ordinances of our Sovereigns, both Spirituall and Temporall, must needs induce a perfect Anarchy.

19. Con-

19. Consider, Thirdly, that it belongs to the Pope to determine, whether this Oath does contain any thing contrary to Faith and Salvation, or destructive to his Sovereignty in Spiritualls, or no. For the determination of such Questions belongs to the Spiritual Court, as has been above insinuated; as it belongs to the King, and the Civil Court, to determine whether such a thing be contrary to the Civil Laws, and publick welfare of the Kingdome, or destructive to His Sovereignty in Temporalls, or not. And since the Popes, after so much diligence used to be informed of the Truth, have severall times declared, that this Oath contains many things destructive to Faith and Salvation, and upon that account have prohibited the taking thereof; we are bound to afford at least an exterior Compliance to this Prohibition.

20. Consider, Fourthly, that as to prohibit a Book, 'tis not necessary to point out the particular Propositions for which it is prohibited, as appears by severall publick Prohibitions of Books and Pamphlets, issued forth either by Civil or Ecclesiastical Authority; neither would it be prudence, to design alwaies the particular Propositions for which a Pamphlet is prohibited, when they are scandalous and offensive: so neither was it necessary, for the Prohibition of this Oath, that the Pope should assign the particular Propositions which he looked upon as repugnant to Faith and Salvation.

Vide Synod. General. 5. Can. 5. ubi damnat Originem aliosque, cum suis scriptis, nullo particulari errore nominato.

The Prohibition of *Suarez* his Book, made by the Parliament of *Paris*, as containing things destructive to the Honour due to the Kings, does not express, at least as it is related by *Withrington*, what those particular Things or Propositions are, contained in that Book, which are destructive to the Veneration due to Kings: and yet no body upon that account does quibble at such a Prohibition. Why therefore might not the Pope prohibit this Oath, as containing things destructive to Faith and Salvation, without setting down in particular which those Things are?

Append. ad prop. Theolog. de Jure, ment. fidelitatis, initio.

21. Consider, Lastly, whether, whoever takes this Oath, does not implicitly deny, either that the Pope has any Power to Excommunicate an Heretical King, which Power is inhe-

rent in the Pope as Supreme Head of the Church; or at least, that though he should Excommunicate such a King, the Excommunication would have in the person Excommunicated these Effects, *viz.* to deprive him of all civill Communication with others, &c. which are assigned in Scripture, in those places whence the Power in the Pope to Excommunicate is deduced. 2. Joan. 1. *Neque Ave ei dixeritis.* 1 Cor. 5. *cum hujusmodi nec cibum sumere.* For sure a King who is deprived of all Civill Communication with others, is deprived of all Civill Government, in order to the exercise thereof; which is a certain kind of Deposing. And if some persons, though Excommunicated, are excepted from these effects, either by the Indulgency of the Pope, or otherwise, whether it does not belong to the Pope to determine which those persons are; and whether he has excepted Princes.

Vide Gloss.
cap. *Cum ve-*
nissent. De ju-
diciis.

22. Concerning the Pope being a Party in this debate, and not proceeding according to the Canons; Consider, First, that Supreme Governours, whether Spirituall or Temporall, in Debates wherein their Prerogatives are concerned, either are not styled properly *Parties*; or if they be *Parties*, they are also *Judges*. Otherwise we should not be bound to stand to the Decision of a Generall Council, in matters relating to the Authority of the Church or Generall Councils; nor to the Determination of the King and Parliament, in matters relating to the Authority and Prerogatives of His Majesty or His Parliament. Consider, Secondly, that if the Pope is not to be hearkened unto, when he prohibits the taking of this Oath, because he is the Party concerned in the not-taking thereof; neither the King, upon the same account, is to be hearkened unto, when He commands us to take the Oath, because He is the Party concerned in the taking thereof.

* *Stat. ait,*
lib. De leg. c.
4. n. 2. Nulla
est data de-
terminata
forma verbo-
rum in legi-
bis Canonicis
ferendis, vel
jure Divino
vel Ecclesia-
stico.

23. Consider, Thirdly, that as * there are Canons and Rules prescribed for the proceedings of Popes; so there are, in the like manner, Rules prescribed for the proceedings of Kings, of Councils, and of Parliaments. But as the King, or Council, or Parliament, must be their own Judges, whether they have proceeded, in such a Decision or Determination,

on, according to the respective Rules prescribed unto them, and not any particular person or Subject: so must the Pope be his own Judge, and not any particular Doctour, whether he hath observed, in the Prohibition of this Oath, the Rules and Canons prescribed unto him in such cases. And since the Popes have sufficiently declared, that in the Prohibition of this Oath they have proceeded according to the Canons for such cases, it is not reasonable, that under pretence that they have not observed such Canons, we should deny an exteriour Obedience to their Prohibitions.

24. Concerning *the Disturbance of the Church*, which the Opponent pretends may follow from the submission to the Briefs, and *the prejudice created thence*, or pretended to be created, *to the Duty and Loyalty due to Sovereign Princes*; Consider, First, that if the Defenders of the Oath would be quiet, we might enjoy the same peace and tranquillity, in relation to this point, which we have enjoyed for many years. For the Oppugners of the Oath have not printed any thing for a long time, contenting themselves with the Sentences which the above-mentioned Popes have been pleased to issue forth in their favour: And consequently, the Disturbance, if any follow, is rather to be attributed to the Defenders of the Oath, then to the Oppugners.

25. Consider, Secondly, that if the Pope (whose Office it is to declare the Lawfulness or Unlawfulness of an Action, especially if he be required thereunto, and the inconsistency thereof with Faith and Salvation) should forbear to declare such an Action unlawfull, for fear of some Disturbance, or Persecution, by the contrivance of some obstinate and discontented persons: upon the same account the Council of *Nice* should have forborn to have declared against the *Arrians*, the Consubstantiality of the Son with his Father; and other Generall Councils, in the like manner, should have waved the Definitions of severall other Doctrines; because some malicious men, taking occasion thence, have raised severall Disturbances and Persecutions. Nay, our Saviour, and the Apostles, should, upon the same score, have forborn
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the preaching Christian Religion, since they foresaw, that many Calamities, Disturbances and Persecutions would arise, by the malice and obstinacy of men, upon the account of Christian Religion. And therefore *Simeon* foretold, that the coming of *Christ* would be the occasion of the ruine of many. *Ecce hic positus est in ruinam, & resurrectionem multorum in Israel, & in signum cui contradicetur.* Luc. 2. 34.

26. Consider, Thirdly, that though it be not the intention, neither of Popes, nor of Generall Councils, that their *Enactive* Decrees, in some extraordinary and extravagant cases, should oblige, when the compliance with them is very prejudiciall; or at least they are supposed to have dispensed for such cases; as appears in the precept of Fasting, or such like: yet this cannot reach to their *Declarative* Decrees, such as the present Decree against the Oath is. For it cannot be their intention, neither can they dispense in any case whatsoever, that we may lawfully doe what they have declared, and do declare, to be of it self unlawfull.

27. Consider, Fourthly, whether what the Popes enjoin in the above-mentioned Briefs, can be prejudiciall to the Duty and Loyalty due to Sovereign Princes. For though Popes be as jealous of their Prerogatives, as Kings are of theirs; yet they do not enjoin us in these Briefs to swear, that the Pope has any Power or Authority to Depose Kings, or to swear any thing else contrary to any Clause contained in this Oath: but onely not to take the Oath, or not to swear positively, that the Pope has no such Power; leaving things in the same condition wherein they were (in order to any such Obligation) before this Oath was framed. For although as long as there is a debate whether such a thing belongs to me, or another, I cannot lawfully take the possession of it; yet I may lawfully hinder my Adversary from taking it. Neither do they prohibit us to take other Oaths of Allegiance, wherein all Civill Allegiance is contained in as, or more expressive terms, then in the present Oath; as shall be made appear hereafter: nay, nor to take those Clauses of the Oath, which do manifestly contain no more then meer Civill Allegiance.

Neither

ther do they in rigour oblige us to give an interiour assent to the Reasons why they prohibit this Oath. For even the Decrees of Generall Councils, according to the common sentiment of Divines, do not oblige us always to believe the Reasons for the framing such Decrees, inserted in them, to be good and solid. As in the Second Council of *Nice* it was declared, That Angels may be painted, because they have Bodies. The Declaration is good, but the Reason is false. So that though one refuses the Oath in compliance to the Pope's commands, it does not follow, that he does not think the Oath in it self, and speculatively speaking, to be lawfull: and consequently, if he thinks that the Acts therein contained do concern meer Civill Allegiance, he is bound, as long as he remains in such a persuasion, to comply with those Acts, whether he has taken this Oath or not. For a Subject is bound to Civill Allegiance by the Law of God and Nature, antecedently to all Oaths. Finally, the Popes do not forbid us in these Briefs an Act of Loyalty, or Civill Allegiance: For the taking of this Oath, which is onely forbidden us in these Briefs, is not (properly speaking) any Act of Civil Allegiance, but onely a Security thereof, (and how little trust is to be put in such a Security, does appear by the sad experience of the late Wars;) as a Bond for the payment of such a sum of money is no part of the payment, but onely a Security for it, if the Debtor denies it. Nay, a Subject may be obliged to his Civill Allegiance, and equally punished for his not-complying therewith, or for being a Traitour, whether he has taken the Oath or not. Whence I conclude, that, since the Briefs do not forbid us any Act of Civill Allegiance, it is manifest, that the Compliance with such Briefs cannot be inconsistent with the Duty and Loyalty due to Sovereign Princes; which reaches no farther then to all Acts of Civill Allegiance.

28. Consider, Lastly, whether those who reject the fore-mentioned Briefs of the Popes, published after so long and so serious deliberation, under such frivolous pretences as we have already seen, and shall see hereafter, do not open a way

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*Malos iudices
se esse perpe-
sos. vox est
omnium ma-
lorum litiga-
torum, etiam
cum manife-
stissima fue-
rint veritate
convicti. Aug.
Epist. 162.*

for Subjects to resist, and disobey the expresse Commands or Prohibitions (if they be condemned therein) of their respective Sovereigns, though issued forth after never so serious a debate, pretending that they were grounded upon Inconsiderateness, Misinformation, and Mistakes, in thinking, that such a thing was contrary to the Laws of the Realm, and the Prerogatives of His Majesty ; or that the King did not proceed therein according to the Rules prescribed in such cases ; or that His Majesty was a Party in the debate, and that consequently He ought not to be Judge ; or, finally, that such Prohibitions and Commands are prejudiciall to the Liberty of the people and common Welfare of the Nation, and that they may be occasion of great Disturbances in the Kingdome. And whether, if such Exceptions as these be warrantable, and not to be decided by the Sovereigns themselves, they do not render the Authority of Kings (though our Adversaries, who make use of them, will needs seem to be stout Champions for Regall Power) very weak and insignificant, as in effect they do render the Authority of the Pope.

29. If it be objected, Thirdly, " That to refuse this Oath, " when we are required to take it by the King, is sinfull, in- " ductive to Schism, and scandalous to our Religion, as if " the Principles thereof were inconsistent with Civill Alleg- " eance due to Princes; and in such matters no man is bound to " obey the Pope's Decrees, but rather to the contrary : That " should the Pope declare it Sinfull to bear His Majesty Civill " Allegiance, (which is due unto him by the Law of God " and Nature,) certainly we should not think our selves bound " to submit to such a Declaration : That this Oath contains " onely a meer Civill Allegiance, as our Kings have declared, " and to them it belongs to declare what is meer Civill Al- " legiance, and not to the Pope, whose Jurisdiction extends " onely to Spiritualls : That we are bound to obey our So- " vereign's Commands in all probable matters, and which " are not manifestly sinfull, as the taking of this Oath is not : " That since it is doubtfull at least whether the Things con- " tained

“tained in this Oath (wherein the difficulty thereof consists)
“appertain to the Spirituall or Civill Court, why should
“the Pope decide it rather then the King? And since the
“King commands us to take the Oath, and the Pope pro-
“hibits us to take it, the thing being of it self doubtfull,
“and not manifestly sinfull on either side, why should we
“submit rather to the Pope’s Ordinance then to the King’s?
“That the King may confine the Pope’s Power, and declare,
“that he has not a direct and absolute Power over this King-
“dome in Temporalls, or to vacate the Civill Laws thereof
“at his pleasure; and consequently, that it is not proper for
“the Pope to declare how far his Spirituall Authority does
“extend it self in all Causes: Finally, that the like Argu-
“ment may be made to shew the Refusall of this Oath to be
“unlawfull, as we made above to prove unlawfull the Taking
“thereof, in this manner; Whoever of His Majestie’s Subjects
“refuses this Oath, being required thereunto, denies an ex-
“terior Obedience to the King’s Ordinance in matters ap-
“pertaining unto him, and no farther then they appertain un-
“to him: But it is unlawfull to deny such an Obedience to
“the King’s Ordinance, and in such matters: Therefore it
“is unlawfull for any of His Majestie’s Subjects, when requi-
“red thereunto, to refuse this Oath;

30. Concerning *the Sinfulness of the Refusall of this Oath*,
objected against us; Consider, First, whether this Objection
be not against all or most of those Catholicks who defend
the Lawfulness of this Oath; whose aim onely is, to shew,
not that it is a Sin to refuse this Oath, but that it is no Sin to
take it. Secondly, Consider, whether the refusall of this
Oath can be sinfull; unless the taking thereof be absolutely
obligatory: and if not, then consider, whether there be any
absolute obligation to take this Oath, since the taking there-
of is no part of Civill Allegiance, as has been already shewn.
Neither does His Majesty absolutely require of us the taking
of this Oath, but onely conditionally, if we will enjoy such
and such Employments or Priviledges; which we are not
bound to accept of. And though those who refuse the Oath

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in many circumstances are liable to some Penalties enacted against *Roman* Catholicks; yet they are punished even in that case, not so much for refusing the Oath, but because, by refusing it, they are suspected to be Popishly inclined. Whence therefore can there be proved any absolute obligation to take this Oath, especially since the Pope hath expressly prohibited the taking thereof?

31. Consider, Thirdly, whether, according to the common persuasion of Divines, we are not bound to obey the Commands of our lawfull Superiour in probable matters appertaining unto him, and which are not manifestly Sinfull: And whether it can prudently be presumed, that the meer forbearance of this Oath, (the thing that is onely required of us,) which has been enjoyned three severall times, in terms so significant, by Two different Popes, who are the onely competent Judges of what is Sinfull, and what not; which has been, and is still maintained by so many grave, learned and consciencious men, against their own Interest; which hath been authorized with the Imprisonment, or Death, of several persons, [Fifty eight were put in Prison at *York*, in the time of Arch-bishop *Matthews*, for refusing this Oath, and Forty of them died in Prison,] who rather chose to undergoe those Punishments then take this Oath; is notwithstanding manifestly Sinfull.

32. Concerning the *Schism* objected against us; Consider, First, that it is impossible, that those who refuse the Oath should upon that account, and for complying therein with the Ordinances of the Supreme Head in Ecclesiasticall matters, become Schismaticks; as it is impossible that a Subject, for complying with the Commands of his King, should become a Traitour or Rebell. For as Rebellion implies a Disobedience to our Sovereign in Temporall affairs; so Schism necessarily imports a Separation from or a Disobedience to the Pope, Supreme Head in Ecclesiasticall matters. Hence it follows, that should all the *English* Catholicks joyn in taking the Oath, they would not therefore be less Schismaticks, but rather more in number; as the more
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the Rebels are, they are not therefore less Rebels.

33. Consider, Secondly, that since Union amongst Catholics here in *England*, in order to this Point, may be obtained in either of Two manners, viz. if All take the Oath, or if All refuse it; it is far more easy to obtain it, and far more warrantable to procure it, the latter way, then the former: Because those who refuse it are far more numerous then those who take it; and it is far more easie, and more warrantable, that the minor part should conform to the major, then on the contrary; especially whenas by refusing it we unite with our Head, and Supreme Pastour, and by taking it we separate from him. And there can be no true Ecclesiasticall Union, without a Conjunction with the Ecclesiasticall Head. And sure it is more rationall, that the Members should submit to the Head, then the Head to the Members.

34. Consider, Thirdly, that hitherto the far greater part of *English* Catholics have thought it better to conserve an Union among themselves, in relation to this Point, by refusing the Oath, then by taking it. And certainly, if ever there was any reason for Catholics to take this Oath, there was more reason for it heretofore, when it was first enacted, then now. For a little before had been contrived that horrible Plot of Gunpowder-Treason, whereunto concurred some Catholics; but it was fathered, though unjustly, upon the whole Body of Catholics then living. But now there is no Catholick alive that could be Actour or Contriver in that Plot, or that is suspected to have contrived any Plot whatsoever against His Majesty, much less such a detestable Plot as that was: and consequently, the present Catholics of *England* have far less obligation (or rather no obligation at all) to wipe off any suspision of Disloyalty by taking the Oath, then the ancient Catholics had. Those Catholics who then lived, had not given so universall and so signall proofs of their Loyalty to the then present King, as Catholics now alive have done to His Majesty and His Royall Father: and by consequence, there is less reason why they should be forced to give in Security, or testimony of their

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Loyalty by Oath. Then there had not been issued forth so many several Briefs, and after so long a deliberation, condemning this Oath, as since have been published, nor the Question so much discussed (the major part sticking alwaies to the Negative) as since it has been: which had those Catholicks seen who first took the Oath, very probably speaking, many of them would have refused it. Some of those Thirteen Priests who in the time of *Q. Elizabeth* subscribed an Oath of the like tenour, having seen afterwards the Pope's Briefs, refused this Oath; and two of them, *viz. Robert Druery* and *Roger Cadwallader*, were put to death upon that account.

35. Neither are there now greater Advantages for Catholicks who take the Oath then there were in those times; nay, the conveniency now in taking it is so inconsiderable, that no Catholick is thereby alone rendered capable so much as to enter into *White-Hall* or *St. James's Park*. And though the Catholick Lords, who take the Oath, may sit in the House, and those who refuse it may not: yet how long will this (besides that it comprehended also those ancient Catholick Lords,) probably last; seeing that scarce had some Catholick Lords, upon that account, taken the Oath, when it begun to be agitated in the Parliament, how another Test might be framed to exclude all Catholicks? And the Sitting of the Catholick Lords in the House, as things now stand, is ineffectual to carry any thing in favour of Catholicks; the far major part being against them, nay and against their Sitting too in the House. For had the major part effectually desired the concurrence of the Catholick Lords, it would never have been carried, that all the Lords should be put to the Oath, if they intended to sit in the House. For such a Vote would in all probability force all the Catholick Lords (or at least some of them) to forbear coming to the House. So that, were not the House against the Sitting of the Catholick Lords, they would never have Voted, that all those who would sit should take the Oath. And if they be against their Sitting, though all the Catholick Lords should take it, they

they will find out some other way to exclude them. Moreover, if things be well sifted, perhaps many will find no little conveniency in having so handsome an occasion as this is for any Catholick for not coming to the House, especially since they are not therefore debarred from Voting by their Proxies. Wherefore if, notwithstanding the Reasons above alledged, the ancient Catholicks of *England*, or at least the far greater part of them, as even our Adversaries confess, preferred to conserve union amongst themselves by refusing the Oath; why should not the present *English* Catholicks follow, in this point, their Ancestors, and take the same way of conserving union?

36. Concerning the *Scandal* objected; Consider, First, whether the Scandal (if any lies upon Catholicks or their Religion in order to Civil Allegiance, after so many signall proofs given of their Loyalty in the late Civil Wars, (and, sure, works are better proofs of Loyalty then words,) after so many publick Declarations thereof, made by His Majesty in His gracious Speeches, and by many other Protestants in their publick Votes in Parliament, whether, I say, this Scandal, if any remains,) be not rather *acceptum*, then *datum*, like to that which Christian Religion lay under among the *Jews* for transgressing their Ceremonies, and consequently not to be taken notice of.

37. Consider, Secondly, whether should all Catholicks concur to take the Oath, Protestants would not, in all probability, attribute this their concurrence rather to a desire of their safety, or to some particular Interest, then to the Principles of their Religion; as they have, and do yet, attribute the constant and general Loyalty of the Catholicks in the late Wars, not to the Tenets of their Religion, but to the Generosity of their minds, or desire of their Security, as they have published in their Books and Sermons. Nay, some (as I hear) have said the same already of Catholicks that have taken the Oath. So that the taking of the Oath is ineffectual for the End pretended; since Protestants would not therefore have a better opinion of our Religion, but worse opinion of
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Catholicks who take the Oath, as professing a Religion to whose Principles, as by Protestants understood, they are ashamed to conform. And if so, then consider, whether (probably speaking) Protestants are not more scandalized at Catholicks who take the Oath, as not standing (in their opinion) to the Maximes of the Religion they profess, and as denying an exterior Compliance with the expresse Commands of him whom they acknowledge to be their Supreme Pastour; (which Compliance even Protestants grant to be due to the Pastours of the Church;) then at Catholicks who refuse it: which Refusal Protestants ascribe not to any want of Loyalty in them, (whereof they have sufficient proofs already,) but to some scruple of Conscience, or to the Submission they think themselves obliged to pay to the Ordinances of the Pope. And one may easily gather, by what is set down in a Letter to a Parliament-man, lately printed, concerning *Peter Walsh*, (who, amongst those who profess themselves to be Catholicks, seems now to be the onely man, who openly and in print vindicates the taking this Oath: one may gather, I say, by what is couched in that Letter,) what opinion Protestants have of such Catholicks; who, though they acknowledge the Pope to be their Supreme Pastour, yet justify the taking this Oath, against several expresse Prohibitions of the Pope. So that, by taking the Oath, the Scandal, if any, is not removed from our Religion, but rather a new Scandal is fastened upon Catholicks that take it.

38. Consider, Thirdly, whether Protestants are not of opinion, that the Supremacy in Spiritualls is inherent and annexed to the Crown, as has been declared in Parliament; and consequently, that as long as Catholicks refuse the Oath of Supremacy, (which they must doe as long as they will be Catholicks,) they refuse to acknowledge the Supremacy of His Majesty in Temporalls, and His Crown. For whosoever refuses to acknowledge any thing inherent and annexed to the Crown, refuses, at least implicitly, to acknowledge the Crown, and his Loyalty thereunto. So that, as long as we remain Catholicks, we shall be accounted by Protestants not loyal

loyal Subjects in our Tenets, whatsoever we be in our Practices.

39. Consider, Fourthly, whether such Catholicks as take the Oath, whilst ineffectually they pretend to remove the Scandal Protestants have so unjustly conceived of our Religion, by taking the Oath, do not create a just Scandal in other Catholicks who refuse it, seeing how they slight the expresse Order of their Supreme Head in Ecclesiastical matters.

40. Concerning the Case contained in the Objection, wherein the Opponent supposes that *the Pope should forbid us to bear Civil Allegiance to His Majesty, due unto Him by the Law of God and of Nature*, or *should declare such an Allegiance to be Sinfull*; Consider, First, that supposing (as we do suppose) that His Majesty is our Sovereign in all Civil and Temporal Concerns, and that not onely in order to the Civil Power, but also to the exercise thereof; to deny unto Him Civil Allegiance, due unto Him by the Law of God and Nature, is manifestly Sinfull: and in matters manifestly Sinfull we are not bound to obey the Ordinances of our Superiours, whether Spiritual or Temporal. Nay, it would be Heretical to prohibit a meer Civil Allegiance, in that supposition, or declare it unlawfull: and a Pope that should teach an Heresy, or become an Heretick, would, according to the common consent of Divines, cease to be Pope; and consequently, his Orders in that case were not to be obeyed.

41. Consider, Secondly, whether it be reasonable, that, because there may be feigned a case or cases wherein the Pope, or any other Superiour, Ecclesiastical or Civil, might command a thing manifestly Sinfull, and therefore not to be done; we should, upon that account, deny Obedience to the Commands of the Pope, or any other lawfull Superiour, in matters evidently, or at least probably, lawfull: And the forbearance of this Oath (which is onely enjoyned us in the forementioned Briefs, as has been shewn) is manifestly or probably lawfull, as our Adversaries seem to confess.

42. Consider, Thirdly, that the Popes have been so far from forbidding Catholicks to render Civil Obedience to His

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Majesty,

Majesty, His Royal Father and Grandfather, Kings of *England*, that rather they have several times, and in terms very significant, charged the *English* Catholicks to render to their Majesties all Civil Allegiance and Obedience. Neither have the Popes declared any of their Majesties deprived of their Crown. Nay, never any Pope (as some have well advertised) has declared any Heretical Prince, brought up alwaies in that Profession, (as the three forementioned Kings were brought up Protestants,) deprived of their Dominions. Neither do the Popes, in the above-mentioned Briefs, whereby they prohibit the taking of this Oath, declare in expresse terms, that they have any Authority to Depose Hereticall Princes: and much less do they oblige us to swear, or to make any acknowledgement, that they have any such Authority: but onely they enjoyn us a meer forbearance of the Oath, the taking whereof is not properly (as has been shewed above) any Act of Civil Allegiance, or at least of bare Civil Allegiance.

43. Concerning the *meer Civil Allegiance* pretended to be contained in this Oath, and that alone; Consider, First, whether whatsoever a Prince is pleased to put into an Oath, which he terms *an Oath of Allegiance*, is to be held as appertaining to meer Civil Allegiance; and whether the Refusers thereof are to be lookt upon as Refusers of Civil Allegiance. As for instance, if an Oath, intituled *an Oath of meer Civil Allegiance*, were framed, wherein were expressly denied a Power in the Pope to Excommunicate any of His Majestie's Subjects in any case whatsoever, or to direct them in Spiritual affairs; sure no Catholick would say, that such an Oath did contain meer Civil Allegiance, though the Prince, by whose order it was framed, should term it *an Oath of Civil Allegiance*, or that the Refusers thereof were guilty of Disloyalty.

44. Consider, Secondly, whether, since it is manifest that an Oath, though styled *an Oath of meer Civil Allegiance*, may contain some things not appertaining to Civil Allegiance, but to Spiritual Jurisdiction, as the forementioned Oath, denying a Power in the Pope to Excommunicate; whether then

then (I say) the Pope, to whom the Supreme Spirituall Jurisdiction belongs, and not the King, whose Jurisdiction is onely Civil, may not judge of such an Oath, so far as it contains things appertaining to Spiritual and Ecclesiastical Jurisdiction. And if so, whether, since this present Oath contains such things, as has been declared above, the Pope may not judge of this Oath, as far as it contains such things, though it be pretended by some that it contains meer Civil Allegiance: and whether we are not bound to stand rather to the Pope's Judgment, in order to such things, then to the King's Declaration.

45. Consider, Thirdly, that there is this difference between *the King commanding us to take this Oath*, (supposing he does command it,) and *the Pope prohibiting us to take it*; that to the end the King may command us to take it, 'tis necessary, that there be nothing therein contained which does not belong to the Civil Power, since we acknowledge His Majesty to be our Sovereign onely in Civil matters: but to the end the Pope may prohibit us to take this Oath, 'tis enough, that any thing whatsoever therein contained belongs to the Ecclesiastical Court, whose Head the Pope is, and that he judges such things to be unlawfull. So that far less is required, or sufficient, to prohibit an Oath, then to command it. Neither does the Pope prohibit each part of the Oath by it self, and separately taken; but he prohibits us to take the whole Oath: and to prohibit the whole, 'tis enough, that any part thereof whatsoever be unlawfull, according to that Maxime, *Bonum ex integra causa, Malum ex quocunque defectu*.

46. Consider, Fourthly, that we are bound to submit to *the King's Commands* onely in Civil matters, as to *the Pope's Ordinances* onely in Spiritual; since, as we acknowledge the Pope's Supremacy onely in Spirituals, so we acknowledge the King's Supremacy onely in Temporals. And since this Oath contains, as has been proved, some things not appertaining to the Civil Jurisdiction, we do not think our selves obliged to submit to His Majestie's Orders, wherein he commands us to take this Oath as it lies: as upon the same

account we are not bound to take the Oath of Supremacy, though His Majesty commands His Subjects as much to take the one as the other, and Penalties are enacted against the Refusers of both. Nay, if the thing commanded by the Pope be a Civil matter, though it should be lawfull, we are not bound to submit to such a Command, since the Pope's Jurisdiction extends onely to Spirituals: So if the thing commanded by the King be Spiritual, though it should be lawfull, we are not bound to submit to such a Command, because the King's Jurisdiction extends onely to Temporals. Whence appears, that the Major Proposition of the Argument, framed in the Objection, to prove the Refusal of the Oath unlawfull, is false and of no force. For since this Oath contains things not appertaining to Civil Jurisdiction, the King, by commanding us to take this whole Oath as it lies, commands us things not appertaining unto Him: But the Pope, by prohibiting us to take this Oath, by reason of things appertaining unto Him contained therein, and not farther then they appertain unto him, does not exceed his Jurisdiction; and it is unlawfull to deny Obedience to the Commands of a Superiour in matters appertaining unto him, and no farther then they do appertain unto him.

47. Consider, Fifthly, that though we should grant, as we do not, that *it is doubtfull, whether the matters contained in this Oath, (wherein the main difficulty thereof consists,) considered in themselves, do appertain to the Ecclesiastical or Civil Court:* yet since the Pope's and the King's Orders in this point do contradict one another, we ought rather to submit to the Pope's Prohibition, then the King's Command, in this Case. First, Because, though the Pope and the King be both Supreme, the one in Spirituals, the other in Temporals; yet the Pope's Supremacy (the End whereof is Eternal Bliss) is of a higher Hierarchy then the King's Supremacy, (the End whereof is Temporal Felicity onely.) And certainly, when Two Supreme Governours clash one with the other, so that we cannot obey them both, but must obey one of them, (as in our present case, we must obey either the Pope,

Pope, forbidding the Oath, or the King, commanding it;) we are bound, *ceteris paribus*, to submit rather to him, whose Jurisdiction is of a higher Hierarchy, then to the other, and to our Spiritual Governour, then to our Temporal. Neither will the Protestants deny this Doctrine to be true, when it happens that the Spiritual and Temporal Powers do thwart one another, all other Circumstances being equal.

Secondly, Because, according to the common sentiment of Divines and Canonists, when it is doubtfull, whether such a matter, considered in it self, does appertain to the Spiritual or Temporal Court, it belongs to the Spiritual Judge to decide to which of these two Courts it does appertain: For, other Circumstances being equall, the Spiritual Judge is to be preferred before the Temporal: neither is there any other commodious way to decide the Question. Thirdly, Because the Pope requires less of us then the King. For the Pope onely requires, that we should not take this Oath; not, that we should swear any thing contrary to it; but the King requires, that we should positively take this Oath as it lies; which is far more. And when Two Precepts contradict one another, we ought to submit to that Precept of the two, *ceteris paribus*, wherein least is required of us. Fourthly, Because the Pope's Precept in this matter is Negative, but the King's Precept is Affirmative: and when Two Precepts oppose one another, we ought rather, all other Circumstances being equall, to embrace the Negative Precept then the Affirmative, according to the common opinion of Divines.

48. Consider, Sixthly, that the Pope does not expressly condemn, as the Opponent seems to suppose, any of the Points under debate, contained in this Oath; neither does he require of us, that we should swear, that he has any Power to depose Kings; but onely, that we should not swear, that he has not any such Power: which is what the King requires of us. So that the King, and not the Pope, decides the Point under debate in his own favour, requiring us to swear positively the part favourable unto Him. Since therefore *Withrington* and his other Catholicks, who defend the Oath, do confess,

that this Question, *Whether the Pope has any Authority to depose Kings*, is yet under debate between Popes and Kings, *Certant Scholastici, & adhuc sub judice lis est*, as they alledge out of *Trithemius* and others; why should the King decide the Question in his own favour, requiring his Subjects to swear positively, that the Pope has no such Authority; which is, as it were, to take possession of the part favourable unto him? or why may not the Pope inhibit such an Oath, in case the King enjoyns it, as long as the Question is in debate between the Pope and King, as our Adversaries confess it is yet? *Adhuc sub judice lis est*. For as long as it is under debate to whom such a thing belongs, either of the parties has right to hinder his Adversary from taking possession thereof, though he himself cannot take possession of it, till the Question be lawfully decided in his favour: and it is much less to hinder another from taking possession of a thing, then to take possession of it himself.

49. Consider, Seventhly, that whoever acknowledges the King to be our Sovereign in Temporall and Civill matters, as we do, he must confess that *neither the Pope*, nor any one else, *has any direct and absolute Power over this Kingdome*; such a Power in any other being inconsistent with the Sovereignty of the King in Temporalls: as in the like manner, whoever acknowledges the Pope's Supremacy in Spiritualls, as we also do acknowledge, he must necessarily, upon the like ground, deny any other to be invested with the same Superiority. So that, should the Pope declare himself Sovereign in Temporalls over this Kingdome, or any other His Majestie's Dominions, with a direct and absolute Power, he would in that case declare a thing manifestly destructive to the King's Sovereignty in Temporalls, which we acknowledge. Neither does it belong to the Pope, or the Spirituall Court, to declare who is the Temporall Sovereign of such a Kingdome; but to the Representative of that Kingdome, or to some other Civill Power, according to the different constitutions of Civill Government. So that to declare the Pope Temporall Sovereign of such a Kingdome, is not to declare
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how far his Spirituall Jurisdiction, as such, extends it self, (which does belong to the Spirituall Court;) but rather it is to declare him Sovereign or Supreme Governour in a different kind: which Declaration does not belong unto him. Neither, because a lawfull Superiour may, perhaps, exceed his Power in some matters, does it therefore follow, that in no other thing he is to be obeyed. What therefore we affirm in this point is, That as it belongs to a Sovereign Temporall Prince, to determine what is precisely necessary for the Conservation of his Temporall Sovereignty, in case he be unjustly attacked by another in his Temporalls: so it appertains to the Sovereign Spirituall Prince, (who is the Pope,) to determine what is necessary to be done for the Conservation of his Spirituall Sovereignty, in case he be unjustly attacked in Spiritualls.

50. Consider, Eighthly, to the end that it may clearly appear how willing the *English* Catholicks are to give His Majesty any just Security of their Loyalty, that they are ready, if it be necessary, not onely to take all the Clauses of this Oath, wherein meer Civill Allegiance due to His Majesty is contained, but other Oaths also, rather more expressive of Civill Allegiance then this is; viz. such as were taken by the Subjects of the ancient Kings of *England*, or which are taken now by the Catholick Subjects of other Christian Princes, whether Catholicks or Protestants, or of any other profession. And certainly it would be very ridiculous to affirm, that there is no standing Oath, in any other Christian Country, sufficiently expressive of Civill Allegiance. And to descend to particulars; They are ready to swear, without any mentall Reservation, *That they acknowledge their Sovereign Lord King CHARLES the Second to be lawfull King of this Realm, and of all other His Majestie's Kingdomes; That they renounce all Power whatsoever, Ecclesiasticall or Civill, Domestick or Forrein, repugnant to the same: That they confess themselves obliged in Conscience, to be as obedient to His Majesty in all Civill affairs, as true Allegiance can oblige any Subject to be to his Prince: That they promise to bear inviolably,*
during

during life, true Allegiance to His Majesty, His lawfull Heirs and Successours, and Him and them will defend against all Attempts whatsoever, which shall be made against His or their Rights, the Rights of their Persons, Crown or Dignity, by any person whatsoever, or under whatsoever pretence: That they will doe their best endeavour to discover to His Majesty, His Heirs and Successours; or to some of their Ministers, all treacherous Conspiracies, which they shall know or hear of to be against Him or them: That they do declare that Doctrine to be impious, seditious and abominable, which maintains, that any private Subject may lawfully kill or murder the Anointed of God, his Prince. Now let any one judge, Protestant or Catholick, whether these forementioned Clauses are not more, or at least as expressive of Civill Allegiance, as the ordinary Oath is: And if so, then let them consider, whether, since Catholicks are ready to take any of the Oaths above mentioned, they can rationally be suspected to refuse the ordinary Oath of Allegiance for want of Loyalty. For did they refuse it upon that account, they would not offer to take the above-said Oaths, wherein as much or more Civill Allegiance is contained then in the ordinary Oath. And whether also (probably speaking) we may not vehemently suspect, that Protestants, who will not be content that Catholicks should take any of the aforesaid Oaths, (wherein all Civill Allegiance due to Princes is manifestly contained,) but will needs have them take the ordinary Oath, do require of them somewhat more then meer Civill Allegiance: otherwise, why should not they be content with any of the forementioned Oaths? Wherefore it would not be amiss, that when the Oath is tendered to any Catholick who is resolved to refuse it, he should make a Protestation of his Fidelity, by offering to take any of the forementioned Oaths. Which will at least serve to disabuse Protestants, that he does not refuse to take the ordinary Oath for want of Civill Allegiance.

51. Consider, Lastly, that doubtless there may be framed an Oath of Allegiance, with such glances upon the Tenets of Protestants, (the same is of any other Religion,) that no

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Protestant, who will stick to the Tenets of his Religion, can take: though it would seem very irrational, to deduce thence, that Protestants deny Civill Allegiance to His Majestie, if they be ready to take another Oath, wherein all Civill Allegiance is clearly contained. And if so, why may not we refuse this Oath, by reason of some doubtfull or false Expressions it contains, or of some glances it has at our Religion, without therefore deserving to be impeached of Disloyalty; since we are ready to take other Oaths, wherein as much or more Civill Allegiance is contained?

52. If they object, Fourthly, for the Lawfulness of this Oath, "the Authority of the Kingdome of *France*, of the "University and Parliament of *Paris*, and of other Universi-
ties and Parliaments of that Kingdome, who constantly
"deny the Pope to have any Authority or Power, direct or
"indirect, to Depose Kings; and finally, of the *French Je-*
"suits, who subscribed the Censure and Condemnation of
"some Books wherein that Power was defended; and why
"may not the Catholicks of *England* have the same liberty
"as the Catholicks of *France* have?"

*Anno 1615.
|| Quoted in
the Reflexion
upon the Oath,
pag. 73.
† De hoc Ar-
ticulo ait
Gallic. Ec-
clesi in illis
Comitiis, non
aliò tendere
quàm ad
Schisma
constandum,
& corrob-
randum He-
resin.
Mercur.
Gall. Tom.
30. Ann.
1615. p. 298,
247.
* Rex, silentio
imposito, Ar-
ticulum in-
feri codicillis
veruit. Nobi-
litas Clero
consentit. Id.
pag. 336.

53. Concerning the Authority of *France*, for this Oath, ob-
jected against us; Consider, First, that though in an Assem-
bly * held in *France* of the Three Estates, Ecclesiasticks, No-
bility, and Commons, in time of Cardinall *Peron*, there was
drawn up || an Oath by the Third Estate, or Commons, where-
in is affirmed, † That there is no Power on earth, either Spiritu-
all or Temporall, that hath any Right over his Majestie's King-
dome, to Depose the Sacred Persons of our Kings, nor to dis-
pense with or absolve their Subjects from their Loyalty and O-
bedience which they owe to them, for any cause or pretence
whatsoever: yet the Two chief parts of the Assembly, viz. the
* Spirituall and Temporall Lords, were so much against this
Article of the Oath, that they were resolved, especially the
Spirituall Lords, to die rather then take it; and the Third
Estate, or Commons, who had drawn it up; after they had
heard *Peron's* Oration against it, laid it aside, which is as
much as handsomely to recall it. And how can we reasona-

bly say that the Kingdome of *France* is for an Oath, which the Two principall parts of the Assembly, representative of that Kingdome, were so eager against, and which the Third part, after serious consideration, laid aside?

*In convent.
Episc. Gall.
habito 27.
Febr. 1626.
damnatus est
ille Articulus:
subscripserunt
2 Card. 10
Archiep. 35.
Episc. Roch-
foc. in rati-
on. contr.
Schism. Sect.
1. Sect. 102.
& Mercur.
Gallic. rom.
11. An. 1626.
p. 105.
Etiam major
pars Tertii
Ordinis Ar-
ticuli illius
progressum
impedivit.
Card. Riche-
lieu lib.
contr. 4 Mi-
nistros Cal-
vinist. pag.
173.*

54. Consider, Secondly, that rather we may alledge the Kingdome of *France* for the Negative, or against the Oath, according to what happened in the Assembly. For it is a certain kind of Argument against a thing, when, having been proposed and debated in an Assembly, it was not carried, but rather rejected. Neither has there been since enacted by any other Assembly of *France* any Oath of this kind, to be tendred unto all, (neither do our Adversaries pretend, that any such thing has been done,) as our Oath of Allegiance was enacted for all sorts of people, by our Parliament, which corresponds to the Assembly in *France*. Neither is there in *France* any other Oath, wherein is expressly denied the forementioned Power, established by the King or any Parliament, or any other ways, for to be taken by all such who swear Allegiance to his most Christian Majesty. And the *English* Catholicks are ready to take the Oath of Allegiance to His Majesty which is generally tendred in *France*. And why may not His Majesty be content with the same kind of Civil Allegiance from his Subjects, which the *French* King and other Sovereigns require from their Subjects? All which shews, that *France* cannot reasonably be brought as a precedent in the Cause we treat of.

55. Consider, Thirdly, that since the Representative of *France* has so much favoured the Negative, though we should grant, (and whether it must be granted or not, we shall see by and by,) that some other particular Tribunall or Society of that Kingdome have favoured the contrary; yet because the Assembly or Representative of *France* is far above those particular Societies, we ought to conclude, that *France* rather countenances the Negative, then the Affirmative. Should we see that our Parliament did countenance so much the Negative of an opinion, as the forementioned Assembly of *France* did countenance the Refusall of that Oath; though some particular

ticular Court at *Westminster*, or the University of *Oxford*, should countenance the contrary ; we ought to say that *England* rather stood for the Negative, then the Affirmative.

56. Concerning *the Authority of the Parliament and University of Paris* in this Point ; Consider, First, that neither that Parliament, nor any other Parliament of *France*, neither that University, nor any other University of that Kingdome, have ever yet made any publick and authentick Act wherein they approve our present Oath of Allegiance as it lies, and all its Clauses wherein the difficulty thereof consists ; neither do our Adversaries pretend any such thing : but onely that the Parliament and University of *Paris*, with some other Parliaments and Universities of *France*, have made Decrees, wherein they deny the Pope to have any Power whatsoever to Depose Kings, or to Absolve their Subjects from the Allegiance due unto them, for any cause or under any pretence whatsoever. Yet hence does not follow, that the Parliaments or Universities of that Kingdome do approve this Oath. For to approve an Oath, 'tis necessary to approve all and every part thereof : and who onely approves one part, does not therefore approve the whole. So that whosoever argues hence, to shew the Lawfulness of this Oath, his Argument must run thus : " The University and Parliament of *Paris* approve some Clauses of this Oath, whereat severall persons do scruple : Therefore they approve the whole Oath. Which Argument is inconclusive, as is manifest.

57. Consider, Secondly, that though the Authority of the Parliament and University of *Paris* may work so far with some, as to perswade them that this Oath ought not to be refused upon the account of any just Scruple concerning the Power in the Pope to depose Kings, or absolve their Subjects from the Allegiance due unto them ; yet it does not therefore follow, that the same Authority (which does not concern it self at least in any publick Decrees about other Difficulties of the Oath) should perswade them not to refuse

at all this present Oath, since there are severall other respects, not taken notice of by the Parliament or University of *Paris*, in their publick Decrees alledged by our Adversaries, for which many refuse it. Some, though satisfied that the Pope has no Power to depose Kings, yet they have a great difficulty about the word *Hereticall*: for it seems hard unto them, to censure the Doctrine which maintains, that *Princes Excommunicate or deprived by the Pope, may be deposed by their Subjects*, for an Heresie, or for as bad as an Heresie; and the Defenders thereof for Hereticks, either materiall or formall, as invincible ignorance does or does not excuse them, or at least for as bad as such; and to swear that they detest them in the like manner, either for such, or as bad as such.

58. Others think, they cannot swear with Truth, that neither the Pope, nor any other whatsoever, can absolve them from this Oath, or any part thereof, in any case imaginable; since the King himself may absolve His Subjects from such an Oath, either all of them, by laying down the Government with consent of the Kingdome, as *Charles* the Fifth did; (and it is hard to oblige one to swear, that a King of *England* in no case possible can doe the like;) or at least some of them, by passing a Town under his Jurisdiction to another King, as His Majesty passed *Dunkirk* to the *French* King, and consequently absolved from the Oath of Allegiance the Inhabitants who had taken it. Moreover, they do not see how they can swear, that it is impossible, that, in any case whatsoever, a King of *England* may be justly conquered. For if he be justly conquered, then he is justly deposed; and if justly deposed, then his Subjects are absolved from their Oath of Allegiance: for no body is bound to pay Allegiance to one who is no longer his King or Sovereign.

59. Others cannot swallow that term [*Heartily*] inserted in the Oath, nor swear, that all they must swear, if they take the Oath, they swear *heartily*, according to the plain and common sense of the words by them spoken. For to swear *heartily* is more then to swear onely with a meer power not to swear. A Merchant, who throws out his goods into the
Sea

Sea onely to save himself and his ship, cannot be said to doe it *heartily*; which signifies, to doe a thing without a reluctancy of mind; but rather with an inclination and propension of mind thereunto. And how (say they) can we swear, that we take this Oath *heartily*, and without any reluctancy of mind, but rather with a great inclination thereunto, when we are forced to take it to conserve our privileges or employments, or not to undergo severe penalties enacted against those who refuse it? and when we see that so many great Difficulties have been started against this Oath, and pursued with so much vigour; that so many Learned and Conscientious men are against it; and that the Supreme Pastour of the Church has so often and so severely prohibited it? All which (say they) cannot but create, in any tender Conscience, some regret and reluctancy of mind to take the Oath.

60. Others are deterred by the Title of the Act wherein this Oath is inserted, *An Act for the Discovering and Suppressing of Popish Recusants*: whereby it seems to be insinuated, that the taking this Oath is made a Denial of the *Roman* Catholick Religion, or of Popery. For though other things are contained in the Act, which do contribute to the Discovery of Popish Recusants; yet this Oath is inserted among the rest, and compleats the Discovery of them. And it is not lawfull to doe any thing which is made by Publick Authority a Denial of the true Religion, or a distinctive Sign of a false Religion.

61. Others, though they are satisfied concerning the Substance of the Oath, yet are gravelled at some ambiguous Expressions. The Authour of the Reflexions upon this Oath, though he be very fierce against the Pope's Power to depose Kings, yet he seems dissatisfied with the Oath, by reason of several ambiguous Expressions therein contained; as appears by what he says *pag. 76, 77.* and an Oath must not be *ambiguous*. Nay, the Authour of the Questions concerning the Oath, though so eager for the Lawfulness thereof, does notwithstanding confess, (*pag. 26.*) that it is *drest up unhappily with some odde Expressions, at the first sight*; and therefore

he heartily wishes that another form of Oath were framed, which *might not trouble* with Scruples the less-instructed Conscience of any.

62. Others, though they believe that what-ever is contained in the Oath is true, and are ready to swear that they believe it, yet they cannot be brought to swear positively, that what-ever is asserted in the Oath is true: which is very different. Others, finally, though they be satisfied concerning the Substance of the Oath, and the Expressions too, yet see no Necessity of swearing, or any good they get by taking the Oath: and an Oath, amongst other Conditions, must be *necessary*. All such persons as these, though they be fully satisfied, either from the pretended Authority of *France*, or otherwise, that the Pope has no Power to depose Kings; yet those Decrees of *France*, which our Adversaries produce, do not clear, nor so much as touch, the forementioned Difficulties; and consequently are not alone able to induce the aforesaid persons to take the Oath, or to justify the taking thereof. Whence it follows, that because one refuses the Oath, it cannot in rigour be inferred, that he denies such a determinate Clause thereof, let them take which they please; since some dislike one thing, and some another: nay, nor that he does not assent to the whole Substance of the Oath, and to its Expressions also. And much less can it be thence inferred, that such an one who refuses the Oath does deny Civil Allegiance to His Majesty.

63. Consider, Thirdly, that the Decree of the Parliament of *Paris* published the 27. of *June* 1614. quoted by *Withrington* in the place above mentioned, whereby was prohibited *Suarez* his Book, intituled *Defensio Fidei Catholicae, &c.* is to be understood onely, as appears by the Chapters cited in the Decree, and by the tenour thereof, in order to the Prohibition of that Doctrine, which maintains the Temporal Authority of the Pope over Kings: but it does not concern it self at all with other Difficulties, which *Suarez* and other Authours raise about the Oath: which notwithstanding must be cleared, before we can take it.

64. Consider, Fourthly, that it is one thing to prohibit the teaching or preaching that the Pope has any Power to depose Kings, or to command one to teach and preach the contrary; which is all our Adversaries can prove from the fore-mentioned Decrees, or any other, of the Parliaments and Universities of *France*; and another thing to command one to swear positively, that the Pope has no such Power, and to abjure the Affirmative as Heretical, which the King commands us to doe when He commands us to take this Oath. So that the Argument our Adversaries draw from such Decrees of *France* is this; "The Parliament or University of *Paris* prohibits any one to teach, that the Pope has Authority to depose Kings, or commands some to teach the contrary: Therefore the King may command us to swear positively, that the Pope has no such Authority, or to abjure the contrary as Heretical. Which consequence is null, as is manifest. For what University is there, wherein the Members thereof are not prohibited to teach certain Opinions, or are not commanded to teach the contrary; many of which Opinions are meer Scholastical and Philosophical Questions, either part being probable? But yet they are not therefore commanded to swear positively, that such Opinions are true, neither can they in Conscience many times swear it: For one may teach such an Opinion to be true, though he cannot swear it to be so; more being requisite to *swear* a thing to be true, then to *teach* that it is so.

65. Consider, Fifthly, that what was resolved by the Parliament of *Paris*, in that Decree concerning the *Jesuits*, was, "That the Rectour, with some others of the principal Fathers, should be summoned to appear in the Court at such a day: That they should be told, that, contrary to the expresse Order of their own General, issued forth in the year 1610. this Book of *Suarez* had been printed, and brought into that Kingdome: That they should procure the same Prohibition to be renewed by their General; and that they should exhibit an authentical Copy thereof within three months: finally, That they should exhort the people, in
"their

“ their Sermons, to embrace the contrary Doctrine to the Propositions they had prohibited. But from all this it cannot be inferred, that the *French Jesuits* did, or would have sworn positively, That the Pope has no Power, in no case whatsoever, to depose Princes; nor that they did exhort the people to swear any such thing; nor that they were commanded by the Parliament so to doe. One may exhort another to embrace an Opinion, which notwithstanding he will not nor cannot positively swear to be true, nor exhort the other to swear it is so. And yet whoever exhorts any one to take the Oath, he must exhort him to swear positively, that the forementioned Opinion, *viz.* That the Pope has no Power to depose Kings, is true. Much less can it be inferred from the aforesaid Decree, that the *French Jesuits* did approve, or were commanded to approve, of all the other Clauses contained in the present Oath. And consequently, their Authority cannot be alledged for the Lawfulness thereof. For though the Clauses relating to the Pope's Power to depose Princes may seem to some to contain the main Difficulty; yet this to others seems no Difficulty at all: and there are several other Difficulties involved in the Oath, as has been shewn. And to the end we may lawfully take an Oath, 'tis necessary to be satisfied concerning all, and every Difficulty and Clause thereof. For to swear any thing either false, or doubtfull, though never so little in it self, is a grievous Sin.

The University of Louvaine is also against this Oath, as appears by a Censure they gave Dec. 29. 1662.

66. Concerning *the Authority of the University of Paris* in particular, for the Lawfulness of the Oath; besides what already has been said in general, Consider, First, that though we should grant, (as we do not,) that the Universitie of *Paris*, and other Univerlities of *France*, are for the Oath: yet even our Adversaries confess, that the Universities of *Spain* are against it, where, beyond debate, there are many Learned and Consciencious men, and as zealous for the Honour and Safety of their Kings as any in *France*; and they have as many Prerogatives relating to the Security of their Sovereigns against the Usurpations of any Ecclesiastical Prince, as in any Countrey whatsoever. So that, admitting that on both sides there

there are grave Authours, yet the Negative, in the present debate, has the advantage of the Affirmative, That the Pope, who is the competent Judge in these affairs, (as above has been proved,) and to whom both parties made their address, has given his exprefs Sentence for the Negative; and among other things which render an Opinion; before probable, practically or in practice improbable, one is, an authentick Declaration or Sentence of a competent, especially Supreme, Judge to the contrary.

67. Suppose that in a Plea before the King and His Council, there are many brave Lawyers on both sides, who produce several pregnant Arguments, and excellent Precedents, in favour of their respective Clients, which render the Cause doubtfull; yet that party must needs carry it, for whom the King and His Council gave their definitive Sentence: neither is it longer lawfull for the party condemned to stand out, because many learned Lawyers are on his side, or to retrieve the former Arguments produced for his right; which signifies no more then to plead after the Suit is lost. Neither would the party who had gained the Cause concern himself any farther with what the Lawyers of the contrary side object against him. The same happens in our present Case. There are many grave and learned Authours against the Oath: suppose there are also many for it: yet since the Impugners of the Oath have obtained several exprefs Sentences of the Supreme Judge in their favour, they do not think themselves obliged to take any farther notice of what the Defenders of the Oath produce against them, which cannot excuse them from an exteriour Compliance with the Judge's exprefs Sentence, as long as it is authentick. And this is the Reason, why the Impugners of the Oath have not in a long time printed any thing against it. For what more can they pretend by their writings, but that the Oath be condemned by the Pope? which has been already done. But the Defenders of the Oath continue still to write, after they have lost the cause; according to the common saying, *Losers must have leave to talk*, or at least they will take it.

68. Consider, Secondly, that among other Oaths, which those who desire to be incorporated in the University of *Paris* are to take, one for the Degree of Bachelour is, *That they will hold the Articles of the Faculty of Paris to be true; and that, when occasion offers, they will defend them to be agreeable to Faith and Religion*: which is a promissory Oath; the truth whereof onely requires, that he who swears has a sincere intention to doe what he promises: and (as we have already seen) one may promise, even under an Oath, that he will defend such an Opinion to be true, when occasion offers, though he does not, nor cannot lawfully, many times, swear positively that it is true. For these two Oaths are very different, *Before God, I judge that the Pope has no Power to depose Kings*, and *I promise to defend it*, when occasion requires; and, *Before God, he has no such Power*. The immediate object of the former Oath is onely our own Judgment, or Intention; whereof every one is certain: and consequently, to call God for witness that he has such a Judgment, being certain that he has it, is not to expose God to be a witness to a Falsity. But the immediate object of the latter Oath is the Matter it self, which probably may be otherwise: and to call God for witness of a thing that I know probably may be otherwise, is to expose him to be witness of a Falsity; which, let the matter be never so little, is a great affront. And therefore it is a common way of speaking among consciencious people, *I think such a thing is true, but I will not swear it is true*. Hence it follows, that the immediate object of Oaths is not alwaies the Judgment of the person who takes them: otherwise it would be impossible that one should ever swear false, judging that he swears true, since every one is conscious of his own actual Judgment; neither can one think that he judges actually, when he does not: And yet certainly it is possible that one should swear false, thinking that he swears true. So that though we should grant that the University of *Paris* does oblige her Members to swear, that they will defend, that the Pope has no Power to depose Kings; it does not therefore follow, that they can be,

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or are, bound to swear positively, that the Pope has no such Power: which notwithstanding we must swear, if we will take this Oath. Neither, because they are bound to swear, that they will defend the Articles of the Faculty of *Paris* to be agreeable to Faith and Religion, does it therefore follow, (as some do seem to pretend,) that they are bound to defend them as *Articles of Faith*. For the common Approbation of Theological and Spiritual Books, is, that they contain nothing which is not agreeable to Faith and good manners: and yet, sure, those who give such Approbations are far from approving all that is contained in such Books, as *Articles of Faith*.

69. Consider, Thirdly, that among other Articles of the Faculty of *Paris*, one is, (upon which chiefly our Adversaries seem to have had an eye,) *That it is not the Doctrine of the Faculty, that the Pope has any Authority over the Temporals of his most Christian Majesty; and that the Faculty has alwaies resisted those who affirm this Power to be onely indirect.* Now to infer hence, that the Faculty of *Paris* does approve our present Oath, even in this Point, concerning the Pope's Power over the Temporals of Princes, is to argue thus; "The Faculty of *Paris* does not teach, that the Pope has any Authority over the Temporals of Princes: Therefore, according to the opinion of that Faculty, we may swear positively, that he has no such Power or Authority. Which consequence doubtless is very weak: For it is one thing, not to teach such a Doctrine, or to punish and resist those that do teach it; and another thing, to authorize one to swear positively, or to teach the contrary. They might, in the like manner, quote all the *Jesuits* who now live, or have been alive for many years, though they are lookt upon as the greatest sticklers against the Oath, in favour of it. For they have been prohibited many years agoe, and under Excommunication, to teach or preach, that the Pope has any Authority whatsoever to depose Kings; and whoever among them should teach any such Doctrine would be severely punished; whence it manifestly follows, *that it is not the Doctrine of the*

Jesuits, that the Pope can Depose Kings. Will our Adversaries therefore infer hence, that it is the Doctrine of the *Jesuits*, that we may positively swear that the Pope has no such Power?

70. In the same Article is contained, *That it is not the Doctrine of that Faculty, that the Pope is above a General Council, nor that he is Infallible without the consent of the Church.* And sure hence cannot be deduced, That it is the Sentiment of the aforesaid Faculty, that we may positively swear the contrary Tenets to be true. And though in another of their Articles it be affirmed, *That it is the Doctrine of that Faculty, that his most Christian Majesty's Subjects cannot be dispensed with, under any pretence whatsoever, in their Loyalty due unto him:* yet they are not therefore obliged to swear it.

71. Moreover, among other Oaths, which the Members of the University of Paris are bound to take, they must swear, that *they will hold, that the B. Virgin Mary was preserved in her Conception from Original Sin:* yet they are not therefore obliged to swear it, and much lesse to abjure the contrary Doctrine as Heretical. For there is a vast difference between swearing that we will defend such a Doctrine to be true; and swearing that it is true, or abjuring the contrary Doctrine as Heretical.

72. Consider, Fourthly, concerning a certain Decree made by the University of Paris the 20. of April 1626. (whereof our Adversaries make so great an account,) condemning several Propositions of *Sanctiarellus* his Book as *erroneous, seditious, contrary to the Word of God, &c.* according to a common interpretation of those words of the Oath, *I abjure as impious and Heretical, &c.* given by our Adversaries, that such a Decree or Prohibition is void, and of no force. For, according to that interpretation of our Adversaries, the forementioned words of the Oath are to be taken *comparatively*, not *assertively*; that is, not for abjuring that Doctrine for *Heretical*, but onely for *as bad as Heretical*: in the same manner as is commonly said, that we *detest such an one as the Devil*, knowing full well, that he is not the Devil. So that, according to this acception, 'tis not necessary, that who takes

takes the Oath should think that the Doctrine there abjured is either *impious*, or *Heretical*; nay, he may fully be persuaded that it is neither *impious*, nor *Heretical*: and he must think so, if those words must be taken *comparatively*, as some will have; for all comparison is between distinct things. All which, I confess, does seem somewhat strange to me. Neither do I see how, with truth, without Hyperbole, and according to the plain Sense of the words, one can look upon a Doctrine which is not *Heretical*, for as bad as if it were *Heretical*; since Heresy is the blackest Censure, and what-ever Proposition is not *Heretical*, is less then *Heretical*. But my present design is not to impugn the aforesaid Interpretation: what I affirm is, that if such an Interpretation be warrantable, yet it cannot be gathered from the above-mentioned Decree, wherein the like expression is used, *viz. as erroneous, and contrary to the Word of God*, that the Doctours of Paris did hold the Propositions condemned in that Decree to be *erroneous, seditious, or contrary to the Word of God*. Nay, notwithstanding that Decree, they might, and must think those Propositions to be neither *erroneous*, nor *seditious*, nor *contrary to the Word of God*. And if so, of what force is this Decree, to prove that we may positively swear, that the Pope has no Power to depose Princes?

73. Consider, Fifthly, that since the Censures contained in the forementioned Decree are several, and the Propositions therein condemned are also several, it does not well appear which Censures fall upon which Propositions; or whether every Censure falls upon every one of them. It seems incredible, that those Learned men should censure as *erroneous, seditious, and contrary to the Word of God, &c.* this Proposition, which is mentioned in the Decree, *The Pope may with Temporal punishment chastise Kings and Princes for the crime of Heresy*: since 'tis manifest, that should an *Heretical Prince* be reconciled, the Pope, or any other *Confessarius* who should reconcile him, might impose upon him for the crime of Heresy some corporal and temporal penance or punishment, enjoyning him to give an Alms, to build an Hospital, or some such other work.

Anno 1627.
Feb. 9 Fac-
cultas Pari-
sienfis hanc
Censuram,
quoad for-
mam & te-
norem, revo-
cavit, nec
hactenus,
quod sciam,
aliam conse-
cit. Mercur.
Tom. 12. An.
1627. pag. 21.
Vide etiam
Roche-foc.
pag. 386.

in the year
1627.

74. Consider, Sixthly, that the forementioned Book of *Sanctarellus* was prohibited at *Rome* by the Pope before it was prohibited at *Paris*, as *Spondanus*, a French Authour, relates; who also says, that the animosities of the University of *Paris* against this Book *did arise from some hidden seeds of Schism*. Now our Adversaries do not so much as pretend, that the Pope is for the Lawfulness of this Oath, or of opinion, that we may positively swear, that he has no Power whatsoever to depose Kings; though he prohibited that Book. Why therefore do they infer, that the University of *Paris*, because it prohibits the same Book, is for the Oath?

75. Consider, Seventhly, whether the Censures contained in the above-mentioned Decree may not be understood to condemn only a Power in the Pope to depose Princes, either by reason of some Civill Insufficiency in the Prince to govern, or some light cause mentioned by *Sanctarellus*, or upon the meer account of Heresy or Apostasy, though they should permit their Subjects to enjoy Liberty of conscience: which seems to have been the Doctrine of *Sanctarellus*. If so, then our case is very different concerning the present Point. For neither *Bellarmino*, nor *Peron*, (against whom our Adversaries do so hotly inveigh,) do speak of a *meer Civill Insufficiency*; neither do they affirm, that a Prince may lawfully be deposed, *meerly because he is an Heretick*, unless moreover he forces his Subjects to be so too, by persecuting them. And yet, in the Oath, we are bound to swear, that the Pope has not any Power whatsoever, in any case possible, to depose an Hereticall Prince, whether he persecutes his Subjects or not.

75. Consider, Eighthly, that though in the forementioned Decree, *Sanctarellus* his Propositions be condemned as *contrary to the Word of God*; yet this is not properly to condemn them (as our Adversaries pretend) for Hereticall, unless they be declared as such by the Church: as, to approve a Proposition as *agreeable to the Word of God*, is not to approve it as an Article of Faith, according to what above has been insinuated. And there is scarce any Scholasticall Question
of

of Divinity, wherein the Defenders of either side do not endeavour to prove their Opinion out of Scripture; and consequently, they look upon the opposite Sentence *as contrary to the Word of God*: yet they are far from censuring it therefore as Hereticall, and often prohibited so to doe. Nay, Protestants, who affirm those Tenets wherein we differ from them to be repugnant to Scripture, and pretend to prove they are so; yet they do withall confess, that they are no Heresies. So that as well Protestants as Catholicks, according to the plain and common sense of the words, understand somewhat more by an *Hereticall Opinion*, then an *Opinion contrary to the Word of God*.

77. Concerning other things relating to the Authority of France, contained in the Objection; Consider, First, that the Authour of a Book entitled *Some few Questions concerning the Oath of Allegiance*, page 8. sets down an Arrest of the Parliament of Paris, wherein the *Jesuits* were ordered (as he pretends) to subscribe the forementioned Decree or Censure against *Sanctiarellus* his Book. But this is a great Mistake, if the Arrest be understood of that Decree. For that Decree was made upon the 20. of *April* 1626. and the Arrest was dated the 17th. of *March* 1626. wherein the *Jesuits* were commanded to subscribe within three days; so that, according to this account, they were to subscribe a Decree 37 days before it was made: and the Censure of the *Sorbon* mentioned in the Decree was passed the 4th. of *April* 1626. so that, were the Arrest to be understood of this Censure, they were to subscribe 15 days before it past: which is ridiculous. Besides, should we grant, that the *Jesuits* had subscribed the forementioned Decree and Censure, we have already seen how little that Decree, or the Censure therein contained, does favour the Lawfulness of this Oath: and consequently, neither can the Subscription of the *Jesuits* to such a Censure and Decree help much thereunto. For they would not therefore subscribe or approve the Oath as it lies, nor affirm, that one might positively swear, that the Pope has no Power whatsoever to depose Princes; and much less, that one might

swear,

*Plura circa
Jesuitas Gall.
quoad hanc
rem vide a-
pud Mercur.
Jesuit. pag.
844. & Mer-
cur. Gall.
Ann. 1626.
Nec probant
Adversarii,
Jesuitas un-
quam sub-
scripisse hanc
Prop. Papa
in nullo ca-
su potest de-
ponere re-
gem.*

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swear, that he abjures the contrary as Hereticall: (all which is required in the Oath:) since the University or Parliament of *Paris* never required any such Oath or Subscription. Nay, one's Subscription signifies no more, but that he thinks the thing he subscribes to be true: yet one may think a thing to be true, though he will not swear, nor counsell any other to swear it is so.

78. Consider, Secondly, that there are some other Propositions alledged out of *France* in favour of this Oath, which are commonly held in that Kingdome; viz. *That his most Christian Majesty does not receive his Kingdome but from God, and his Sword—That he does not acknowledge any other Superiour in his Kingdome, but onely God:* (which is to be understood in *Temporalls*; for he acknowledges the Pope to be his Superiour in *Spirituals*.) Now, even those who refuse the Oath do confesse the same of His Majesty. Neither is an indirect and conditionall Power to depose Kings (which some ascribe to the Pope in certain cases) inconsistent with such Prerogatives. For every King has an indirect and conditionall Power or Right to wage war against any other Sovereign, though he receives his Government immediately from God; and to depose him too, in case he injures such a King or his Subjects, as it is possible he may, and refuses, when required thereunto, to give any reasonable satisfaction. What good *English* Subject is there, who, in the late *Dutch* War, (which we suppose to have been just on our side,) would have sworn, that His Majesty had not Right and Power to Depose the States Generall, (whom we acknowledge to be Sovereign, and to depend of God alone in *Temporalls*,) and consequently, to absolve their Subjects from their Oath of Allegiance made to them, in case they had persisted to refuse to give His Majesty the satisfaction that was due? and what satisfaction was due, His Majesty was to be judge. So that, were this indirect Deposing power inconsistent with the Sovereignty of Princes, there would be no Sovereign Prince at all. And since the Pope is Sovereign Temporall Prince of *Rome*, and its adjacent Territories, as even Protestants confesse;

self; he must have the like indirect Deposing power, or right, which is inherent in every Sovereign Temporall Prince, as even our Adversaries will not deny. And yet, if we take the Oath, we must swear, or *testify before God*, (which certainly is to swear,) That *the Pope, neither of himself, nor by any Authority of the Church of Rome, has any Power to depose Kings*; that is, neither Temporall nor Spirituall, neither direct nor indirect: for the Proposition is Negative, and by consequence denies all Power whatsoever.

79. And here I cannot but ask our Adversaries a question; which is, Whether either they or Protestants do affirm, that all Wars whatsoever undertaken by Christian Princes, (whereof some are styled *Defenders of the Faith*, others *Catholick Majesties*, others *most Christian Majesties*,) in Defence of the Orthodox Religion, against another Prince, a Persecutour of the true Church, and declared to be such by a lawfull and competent Judge, whether (I say) they affirm, that all such Wars are unjust and unlawfull: and if not, whether the Pope may not declare a Sovereign Prince to be an Heretick, and a Persecutour of the Church, if really he be such: and whether, if he may make such a Declaration, (as being a lawfull Judge in matters of that nature, according to the unanimous consent of Catholics,) he may not also in that case invoke the help of some pious and powerfull Christian King, (which is what is understood by *authorizing* him,) to stave off by arms the manifest injury done to his Sheep in Spiritualls: and if he may in that case invoke the help of some Christian King to that effect, (since it is manifest, that Ecclesiasticks may in some cases invoke the help of a Secular Power,) whether then the King so invoked may not condescend to the Pope's request, and compell the Hereticall Prince, and Persecutour, by force of arms, to desist from seducing his Subjects; and in case of refusall, to prosecute the War (as he may all other just Wars) till he has deposed, him and consequently absolved his Subjects from their Oath of Allegiance. And if they grant all this, how can they counsell us to swear, that the

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Pope neither by himself, nor with any other, has any Power to depose Kings, or to authorize any forreign Prince to invade or annoy them, or their Countries? All which is involved in the Oath.

80. Consider, Thirdly, that because the *Gallican Church* has such Privileges or Liberties granted unto it, either by some particular Concessions of the Pope, or by some Contract, or otherwise; it does not therefore follow, that every other Church or Kingdome does enjoy the same Privileges or Liberties. For one Kingdome may have some particular Privileges which another has not: and perhaps we had here some particular Privileges granted unto us from *Rome*, which were not granted in *France*. Among the Propositions alledged out of *France* concerning the Pope's Authority, another is, (which seems to be held in *France*,) *That the Pope cannot put an Interdict* (which is a meer Ecclesiasticall Censure, as an Excommunication is) *either upon the French King, or his Kingdome*: and moreover, the Members of the University of *Paris* do swear, that they will defend, among other Articles, that the said University does not approve, *that the Pope may depose Bishops, or deprive them, though Ecclesiasticall persons, of their Ecclesiasticall Jurisdiction, contrary to the Liberties and Canons of the Gallican Church, commonly received in that Kingdome*. And yet, sure, even those Catholicks who stand so much for the Oath, would think it somewhat harsh, if the Parliament should force them to swear, that the Pope cannot depose a Catholick Bishop of *England*, (were there any such Bishop,) that deserved to be deposed; or that he cannot put an Interdict upon this Kingdome: since they onely pretend to deny the Pope any Jurisdiction over the Temporalls of the Kingdome, or to inflict Temporall punishments; but not over the Spiritualls thereof, or to inflict Ecclesiasticall punishments, such as an Interdict is. Wherefore this consequence is null; Such a Practice, or such a Doctrine, is allowed of in *France*, or for *France*; Therefore the same Practice, or Doctrine, must be allowed of in *England*, and for *England*.

Besides that the liberty which the *French* have concerning our present Debate is onely, that they may defend,
that

that the Pope has no Power to depose Kings: which liberty is also given to our *English*; since the Pope in the above-mentioned Briefs does not declare expressly, (as our Adversaries falsely suppose he does,) that he has any such Power, or forbid us to hold or defend the contrary.

81. Consider, Fourthly, whether, should we grant, (which we do not) that there were in *France* a publick Oath for all sorts of people, wherein they do positively swear, that the Pope has not any Power to depose his most Christian Majesty, whether (I say) there would not be severall particular Reasons to refuse such an Oath as our present Oath is in *England*, considering the present condition thereof, which are of no force in *France*, to refuse the like Oath. For we may prudently suspect here in *England*, that since the Framers of this Oath were mortall Enemies to the Pope and See of *Rome*, they have made such frequent mention therein of the Pope and See of *Rome* (without specifying any other Sovereign Temporall Prince, nay not so much as containing them in generall terms; though there be as much need for His Majesty to secure the Loyalty of his Subjects against other Sovereigns, as against the Pope;) out of hatred and contempt of the *Roman* Church, the Papall Dignity, and the Pope's Supremacy in Spiritualls: and since they could not so easily bring Catholicks to deny it explicitly by taking the Oath of Supremacy, they intend to make them deny it implicitly, and under a colour of Civil Loyalty, inducing them to take this Oath of Allegiance. And that this was the design of the Parliament, is manifest. For they would have inserted in the Oath a *Renunciation of the Pope's power to Excommunicate*; whereby they would implicitly, even according to our Adversaries judgment, have denied the Pope's Supremacy. And though they left out that Clause at King *James* his request, yet there remains enough to make us prudently suspect, that the Oath was contrived in contempt of the Papall Dignity. Now it is a constant opinion among Divines, that when any thing, though it should be indifferent of it self, is required of us in contempt of any lawfull Dignity, we

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are bound to refuse it, though otherwise we might submit unto it. It is related of some ancient Christians, that they would rather die then swear *by the Fortune of Caesar*; because such an Oath was required of them by the Pagan Emperours in contempt of the True God; to the end that they who took it might be thought to acknowledge implicitly thereby, that Fortune was a Goddess: yet Christians may, if it be necessary, swear *by the Fortune of their Princes*, who are Christians. In like manner, should an *Arrian* King require of his Subjects, that they should swear or subscribe this Proposition, *Christ is a Creature*, they might justly refuse it, though that Proposition in rigour be true; because they might prudently suspect, that the *Arrians* did require of them such an Oath, or Subscription, in contempt of the Divinity of our B. Saviour; which they denied, and endeavoured to prove their Assertion, because he was a Creature. Now nothing of this could be suspected in *France*, where they are *Roman* Catholicks, and own the Pope's Dignity and Supremacy in Spirituall.

82. Moreover, the very Title of the Act wherein this Oath is inserted, as above has been hinted, does insinuate, that it was instituted by publick Authority, as a distinctive Sign, for to discover *Roman* Catholicks by the Refusall thereof. Neither can it be said, that the Framers of this Oath intended thereby onely to distinguish Loyall Catholicks from those who are not such: First, Because the Title makes no such distinction; and I suppose that the Title was put in by those who framed the Act, and intended thereby to declare their intention. Secondly, Because we might say the same of distinctive Signs of Christians instituted by Pagan Emperours, *viz.* That they were instituted by them onely to distinguish Obedient and Loyall Christians from others who were not such. For Christians, who were put to death by the Emperours for not submitting to the publick Tests ordained by them, were said to be put to death for Disobedience to the Emperours Edicts: and many of the Pagan Emperours did feign that they could not be secure of the Christians; as some Protestants feign that they cannot be secure of Papists: and conse.

consequently, those Pagan Emperours might in the like manner have required a compliance with those Tests, in order to their Security; as *Julian*, the *Apostata*, required his Christian Souldiers to doe homage to his Standard, (where he and *Jupiter* were painted,) under pretence of the Respect due unto him. Thirdly, Because Protestants are perswaded, that the very Principles of our Religion are inconsistent with Civil Allegiance; and therefore in the beginning of the forementioned Act, they look upon this Inconsistency as *an infection drawn from our Religion*: and consequently, they intend this Oath for to distinguish *Roman* Catholicks from not *Roman* Catholicks; or (which is the same) Catholicks who stick to their Principles, as by them understood, from those who do not. So that whoever takes this Oath, does, according to the Protestants Sentiment, renounce or deny some Principle of the *Roman* Religion; though they require somewhat more for a perfect Conformity to their Religion.

83. Now 'tis certain, according to all Divines, that it is never lawfull to comply with the distinctive Sign of a false Religion, though the thing of it self should be lawfull or indifferent; as with the eating of Swines-flesh in time of the *Jews*, and the burning of Incense before an Idoll; which might have been instituted as an affront: for such Signs are onely arbitrary. And yet should there have been the like Oath enacted in *France*, we could not prudently suspect, that it would ever have been intended for a distinctive Sign of Catholicks from not Catholicks.

84. Again, our present Oath has been prohibited by several Briefs of the Pope particularly directed to the Catholicks of *England*: which is sufficient to perswade any good *English* Catholick to acquiesce, and forbear the taking thereof. But supposing that the Oath framed by the Third Estate of *France* had past; yet had it not been prohibited by the Pope, there would not have been the same reason to refuse it in *France* as here. And sure the *French* are so addicted to the Pope, that had * he expressly prohibited them to take such an Oath, or to defend such a Doctrine, they would have sub-

*Vide Duval. in Elench. & Decretum Facult. Sorbon. ad calicem Magistri Sentent. ubi dicitur, Ad Sanctam Sedem Apostolicam pertinet, Authoritate judiciali supremâ circa ea quæ sunt Fidei judicialiter definire.

mitted thereunto: since we see that they submitted to the Bull of *Innocent X.* wherein the Five Propositions of *Jansenius* are condemned, and assented unto it, without expecting the Determination of a General Council, and though severall persons in *France* are suspected to have adhered to those Propositions.

85. The better to explicate this Doctrine, let us suppose, that two persons possess their respective Lands upon the same Title, and that one of them has been condemned by his lawfull Judge, as possessing such Lands upon an unjust Title: The other, who is not personally condemned, though his Title be no better, is not bound to take notice of such a Condemnation, nor to deliver up his Lands, till he be personally condemned. In the like manner, though the *English* are bound to forbear to take this Oath, because they are prohibited particularly to take it: yet the *French*, supposing they have the like Oath, or teach the Doctrine contained in our Oath, as they do not, would not be bound to take notice of such a Prohibition, as not being directed unto them. Wherefore as it is not reasonable, that the same liberty should be permitted to them who live in places infected, as to others who inhabit places free from infection; to them who are in a tempest, as to those who enjoy fair weather: So neither is it reasonable, that we *English*, who live in a Kingdome infected with Heresy, and under a Persecution, should be permitted to have the same liberty as they have in *France*, where they publickly profess the Catholick Religion, and the Magistrates are free from the infection of Heresy, and obedient Sons to the Church; and consequently, what they determine concerning the Pope's Authority, cannot be suspected to proceed from hatred to the Papall Dignity: whenas, on the contrary, since our Magistrates are implacable Enemies to the Pope, what they resolve concerning the Pope's Power, may prudently be thought to proceed out of indignation against him, and with design to bring off Catholics by little and little from their Obedience to the Pope. And certainly, we ought to trust rather a Friend, and to give him more liberty, than an Enemy. Whence I conclude, that
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whatever our Adversaries produce out of the publick Acts or Decrees of the Parliaments and Universities of *France*, is of little or no force to justify the taking our present Oath.

86. Consider, Lastly, that though our Adversaries do boast, that some Doctours of the *Sorbon*, being consulted about this Oath, have approved it as it lies; yet I have never seen their Subscriptions produced: and the Authours who have written hitherto for the Oath, make mention onely of those publick Acts above quoted. I remember, that those who heretofore defended the Nullity of the Marriage between *Henry* the Eighth and Queen *Katharine*, pretended to have Subscriptions from the Doctours of *Paris* in their favour; yet all Catholicks now confess that the forementioned Marriage was valid, though the validity thereof has never been declared by a General Council, but onely by particular Bulls or Briefs; as the Unlawfulness also of this Oath has been declared. Moreover, admit that some Doctours of *Paris* have approved this Oath as represented unto them; yet we ought to consider how the Case was stated. For every one is not able to state rightly a Case; and several times are left out some Circumstances very material, which change the nature thereof. And particularly we ought to consider, whether the several Differences assigned above between *England* and *France*, in relation to the present Debate, were taken notice of, wherewith *French* Divines might probably be unacquainted: and perhaps some of them were ask'd onely concerning the Pope's Power to depose Kings; which because they denied, those who proposed the *Queere* presently inferred, that they approved the whole Oath: which inference is ridiculous, as has been shewn. Now 'tis certain, that the same Case differently stated requires a different Solution. Neither does it appertain to a Divine, when he gives his opinion of a Case so stated, to examine whether it be rightly stated or not. Some *French* Divines, having been asked, whether it be lawfull for Catholicks in *England* to frequent the Protestant Churches, have answered in the affirmative, because it is lawfull in *France* for Catholicks to goe to the *Huguenots* Churches:

Churches : yet afterwards, being more particularly informed of our Laws and Customes, and of the Pope's Brief prohibiting *English* Catholicks to frequent such Churches, (which he has not prohibited to the *French*,) they have answered and subscribed the contrary.

87. Besides, should we see the Subscriptions of those Doctors in favour of the Oath, if there be any, probably we should find them to be liable to the same Exceptions as the publick Acts of *France*, which are produced by our Adversaries to the same intent. Finally, concerning the Sentiment of the ancient *French* Divines about this Point, I refer the Reader to the learned Oration of Cardinal *Peron*, delivered before the Third Estate of *France*. And admitting that some modern *French* Divines do seem to favour the Oath : if the ancient Divines be of the contrary Opinion, why should we acquiesce rather to the Sentiment of the former than of the latter ; especially since the Opinion of the latter has been seconded by the Pope's Briefs condemning the Oath ?

I have been longer about this Point, because I find that the chief or onely inducement of several persons, to believe that the Oath may lawfully be taken, is this pretended Authority of *France*.

88. If it be Objected, lastly, " That many learned *English* Divines have and do defend the Lawfulness of this Oath : " That several *English* Catholicks, Consciencious men, have taken it: That the ancient Fathers of the Church were against the Pope's Power to depose Kings: That so great an Authority as this is for the Lawfulness of the Oath cannot but " make the Affirmative probable ; and if it be probable that " the Oath may be taken, why may we not take it ? especially since it is practically improbable, that it is lawfull to deprive a man of what he possesses, *viz.* a King of his Kingdom, upon a meerly probable Opinion ? That it is no Article of Faith, that this Oath is unlawfull, or that the Pope " has any Power to depose Princes ; and if so, why may we " not take the Oath, and swear positively, that the Pope has " no such Power ? Finally, That those who impugn the Oath
are

“ are for the greater part Priests and *Jesuits*, who depend of
 “ the Court of *Rome*, who are carried away with Passion
 “ and Interest, and who have never seriously considered the
 “ merits of the Cause; and consequently, are not to be
 “ consulted, nor hearkned unto, in this matter.

89. Concerning *the Divines*, and other Authours, who defend or have defended the Lawfulness of this Oath; Consider, First, what Character *Urban* the Eighth gives of them, *Paul V.* in the Brief he published against this Oath, the 30. of May 1626. in these words; *They who persuade you otherwise*, (speaking to *English* Catholics,) *prophecy unto you a lying Vision and a fraudulent Divination. For sooner ought the sword of the mighty to take from a Christian his life, then his Faith. Yea, if an Angel from Heaven teach you otherwise then the Apostolick Truth, let him be accursed, Anathema sit.* And whether, should His Majesty give the like Character of one of his Subjects, in order to prevent the rest from consulting him, or following his Counsell in a certain civil matter, he would deserve to be held for an obedient Subject, who, notwithstanding His Majesty's Prohibition, should follow such a man's counsell in the very thing prohibited. *Paul V. commanded Birket to take away their Faculties from such Priests as had taken the Oath, or taught that it might be taken, unless they repented. Item in the Brief to the Bishop of Chalcedon the Pope saies thus; Si quis aliter docuerit, ejus Doctrina non è fontibus Salvatoris, sed ex Aegypti puteis hauritur.*

90. Consider, Secondly, that actually the Superiours of the Clergy and of the Religious Orders here in *England*, with several others of their respective Subjects, learned, consciencious and grave men, unanimously judge, that the Oath ought not to be taken, and publicly profess, that they are of this Judgment; whenas the Priests, who are of the contrary Opinion, (excepting one, who is in actual Disobedience to his Superiours, to whom he has made a vow of Obedience, and who for his Disobedience has been excommunicated,) do not dare publicly to declare themselves, though the disadvantage (if any) lies here upon those who are against the Oath.

91. Consider, Thirdly, that whoever is against any Part or Clause of this Oath, may justly be alledged against this Oath; whereas no body can be alledged for the Oath, unless he be for all and every Clause thereof, as is manifest;

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according to that common Maxime, *Bonum ex integra causa, Malum ex quocunque defectu*. Nay, those who are against the Oath need onely to shew, that something therein contained is at least doubtfull; for a doubtfull Oath is unlawfull: whereas those who defend the Oath must prove, that whatever is therein contained, as the immediate Object of the Oath, is certain; for such must be the immediate Object of an Oath. And who will not rather think, that so many who are against the Oath will evince that something therein contained is at least doubtfull, then so few who are for it will prove that all things therein couched, and sworn, are certain? it being far easier to evince a thing to be doubtfull, then the contrary certain.

92. Consider, Fourthly, that even our Adversaries do confess, that all the Scholastical Divines and all the Canonists, for about 500 years, have been against some Clauses contained in this Oath; and that even now there is scarce any Divine, and much less Canonist, (and to Divines and Canonists properly appertains the discussion of the Clauses of this Oath under debate,) who dares to defend publicly the Lawfulness thereof. Neither is there any Catholick Authour, besides some few of His Majestie's Subjects, either *French, German*, or of any other Countrey, for so much as I have been able to learn, who has printed any thing in defence of this Oath as it lies: whereas not onely His Majestie's Subjects, but also many forrein Authours, *Spaniards, Italians, Germans, and Flemmings*, have printed Books against it, even as it lies. Now to say that all the Divines and Canonists were in so gross an Errour, and for so many years, no body daring to oppose them, till some few Priests of our Nation rose up to disabuse the World, and prove, that all those Divines and Canonists had not understood either the Scriptures, or the Councils, or the ancient Fathers, though in all probability they were as much vers'd in them as these modern Divines; for them to say this, (I say) seems somewhat strange, and favours not a little what the Protestants affirm concerning their pretended Reformation, *viz.* "That the
"whole

“whole Church was involved for many hundred years in
 “gross Errors, till *Luther* and *Calvin* came to disabuse the
 “World, and to shew, that the Doctors of the Church, for so
 “many years, had been erroneously mistaken in the true sense
 “of Scripture. It seems also very strange, what some of our
 Adversaries insinuate, that those ancient Divines and Cano-
 nists had not seriously, but perfunctorily considered the
 Points under debate in this Oath, though they write great
 Tracts concerning them. What man can prudently think,
 that neither *Bellarmino*, nor *Peron*, nor *Suarez*, nay nor *St.*
Thomas, nor any other of so many ancient and modern Di-
 vines, who have impugned this Oath, or some part thereof,
 have seriously studied the Point, but onely slightly examined
 it; and that onely *Withrington*, *Peter Walsh*, and some
 others of their Caball, have throughly discussed this matter,
 and seriously studied it? If it be reasonable to reject the Au-
 thority of so many Grave and Learned Divines, upon such a
 precarious Supposition as this is; why may not any one, upon
 the same account, slight the authority of his Adversary,
 saying that he has not seriously examined the Point under de-
 bate; and that had he seriously pondered it, he would have
 been of the contrary persuasion?

93. Consider, Fifthly, that *Mr. Preston*, who writ those
 Books concerning this matter, published under the name of
Withrington, and the principal Champion for the Lawful-
 ness of this Oath, as I am informed by a person worthy of all
 Credit, and one who was well acquainted with him, never
 took the Oath himself, nor advised any other to take it; but
 onely writ those Books, to shew, for the comfort of Catho-
 licks, what might be said in favour thereof. The same Au-
 thour grants, that the Pope has Authority to order and direct
 the Temporal affairs of Princes, and to impose upon them
 Temporal punishments by way of a Precept, or Prohibition,
 or a Direction, in order to their Spiritual good; and he in-
 veighs against *Skulchenius*, for accusing him, as if he had
 denied the Pope such a Power over the Temporalls of Prin-
 ces; and he saies, that there is no controversy in the present

Supplic. ad
Paul. V. pag.
95. Append.
pag. 3.
Respons. ad
argum. Sua-
rez. cont. ju-
rament. pag.
204.

Point, concerning the Pope's Power to command or prohibit Princes, even in Temporal affairs, with reference to the Spiritual good of themselves or their Kingdoms. *Neque de potestate Ecclesiastica præcipiendi, sed tantum coercendi, ulla in præfenti controversia est.* Now this Authority which *Withrington* admits in the Pope over the Temporalls of Princes, seems obnoxious to the same difficulties which he objects against the *coercive* Power of the Pope, and is contrary to the Authority of the Faculty of *Paris* alledged above by our Adversaries; *Non esse Doctrinam Facultatis, quod Summus Pontifex aliquam in Temporalia Regis Christianissimi Autoritatem habeat.* And certainly, if he has a *directive* or *preceptive* Authority over the Temporalls of Princes, he must have *some* Authority over their Temporalls.

94. Now consider whether, since *Withrington* and his Associates will not grant the Pope, as Supreme Pastour of the Church, any Power or Authority which is not evidently deduced out of the Precedents which *Christ* and his Apostles have left in Scripture, whether (I say) this *preceptive*, *prohibitive*, and *directive* Power over the Temporalls of Princes, which *Withrington* grants the Pope, can be better declared out of the Precedents left in Scripture by *Christ* and his Apostles, (for when did any of them exercise such a Power over Temporal Princes in Civil matters?) then the *coercive* power, which he denies the Pope. And consider farther, whether the forementioned Power be not in effect the same with the *coercive* Power. For if the Pope may justly, in some cases, and in order to the Spiritual good of a Nation, command a King to desist from persecuting his Subjects upon the score of Religion, or otherwise to lay down his Government, and prohibit his Subjects, in case he goes on in persecuting them upon that account, to bear him Civil Allegiance; how can they swear, that, notwithstanding any Sentence made or granted, or to be made and granted, by the Pope, or his Authority, against their Prince, they will bear him true Allegiance? For certainly all just Precepts are to be obeyed; and doubtless Kings will be as unwilling to grant this *prohibitive* or *preceptive*

ceptive Power to the Pope over their Temporalls, as the *co-ercive* Power. For they do not so much fear what the Pope can doe against them by force of *Arms*, as by force of *Precepts* and *Prohibitions*.

95. Besides, the Authour of the Questions concerning the Oath seems to grant, that the Pope may, in some extravagant case of absolute necessity, to defend the Spirituall welfare of those who are committed to his charge, and acting onely by a *Commission derived from necessity*, depose Princes; as one may justly take away his neighbour's life, when, unjustly attacked by him, he cannot otherwise defend his own life. Now this is all that *Bellarmino* affirms. For he does not grant the Pope Authority to depose Princes, but in case of an absolute necessity, of defending his Flock from being infected by their Prince with Heresie. And if they grant this Power to the Pope, how do they affirm, that we may swear, that the Pope has not any Power or Authority, in any case possible, to depose Princes? So that, if what the chief Maintainers of the Oath teach concerning the Deposing power be duely sifted, we shall find, that in effect they grant what they seem to deny; or at least that they grant enough to render the taking of this Oath unlawfull.

See *Caron*, a great defender of the Oath, in his *Apostolatus Mission*. printed at Paris 1659. q. 13. in *Canc.2.* q. 29. *co- roll.4. & ali- bi*, where he saies as much as *Bellarmino* for the Pope's Deposing power.

96. Consider, Lastly, whether, when it manifestly appears, that the ground whereon an Authour proceeds is false, or inconclusive, any account is to be made of the Opinion or Judgment of such an Authour. And if not, then let us briefly consider the main Reasons whereon the Defenders of the Oath bottome their Sentiment. It is far from my intention, to defend, that the Pope has Authority to depose Princes: my design onely is, to examine the Reasons whereby some Authours do endeavour to shew, that the Pope has no such Authority. For let an Opinion be never so good, yet some may ground it ill.

97. The common Reason therefore whereon most of those Authours, who impugn the Pope's Deposing power, do ground themselves in this Point, is, "That a meer Spirituall Power, such as is onely granted the Pope over all Chri-

“ stendome, in no case possible, does extend it self to any
 “ Temporall thing. This Reason does not shew, that the
 Pope, as Temporall Prince of *Rome*, has not an *indirect*
Right and Power to depose Kings, in some cases; such a Pow-
 er being inherent to every Sovereign Prince: and yet if one
 takes this Oath, he must swear, that the Pope neither by
 himself, nor otherwise, has any Power whatsoever to de-
 pose Kings. So that whoever takes this Oath, does, accord-
 ing to the common sense of the words, (and he swears he
 takes them so,) implicitly deny the Pope to be Sovereign
 Temporall Prince of *Rome*, because he denies him something
 inherent and proper to all Sovereign Princes.

98. Moreover, a meer Spirituall Power may extend it
 self in some cases to Temporall things; and the contrary is
 manifestly false. And even our Adversaries confess, (as has
 been seen above,) that the Pope’s meer Spirituall Power may
 extend it self to Temporall things *per modum directionis aut*
precepti. Christ and his Apostles either had no Temporall
 Power whiles they lived, or at least did not exercise it, but
 Joan. 18.36. onely a meer Spirituall Power: *Regnum meum non est de hoc*
 Matt. 10.34. *mundo*: and yet he saies, *Non veni pacem mittere, sed gladi-*
um; I did not come to bring peace, but the sword, and to
 cause a separation between the nearest relations; as between
 Mother and Daughter, Brother and Sister, and such like, who
 are tied one to the other by the Law of Nature, as Subjects
 are tied to their Sovereign: which is to be understood, when
 a reciprocall communication between them is prejudiciall to
 Matt. 21.12. their eternall Salvation. Our Saviour also used a Temporall
 Power and force, to cast out those who with buying and
 selling profaned the materiall Temple of God; as Hereticks
 profane with their Heresies the Souls of men, the Spirituall
 A& cap. 5. Temples of God. St. Peter gave Sentence of death against
Ananias and *Sapphira*; and God miraculously concurred to
 the execution thereof: as he does miracles sometimes to
 confirm the Sentences issued by the Pastours of the Church.
 The power of Excommunication, which is allowed the Pope
 and other Prelats, is meerly Spirituall, as all confess: and
 yet,

yet, in some cases, it extends it self to deprive the person excommunicated from all Civil Communication with others, due unto them by the Law of Nature; according to what has been alledged above out of Scripture. Neither can it be said, that such a punishment was imposed upon Excommunicated persons by the consent of Temporall Princes. For what Temporall Prince was there in the time of the Apostles, who granted any such effect to their Excommunication; since the Temporall Princes then living were Persecutours of Christianity?

99. Besides, a *Confessarius* has meer Spirituall power over his Penitent; and yet, sure, he may enjoyn some corporall and temporall Penance, (as has already been hinted,) and oblige him, or declare him obliged, to make such a restitution, or to forbear the going to such a place, where the occasion of his ruine was: All which things are Temporall. A Wife, who cannot live with her Husband without imminent danger of being perverted by him, is bound to quit his company, and deprive him of the right he has over her, though meerly Temporall and Carnall: and she may be commanded by her Spirituall Directour to doe so. And sure there is as great a Tie between a Wife and her Husband, though in a different kind, as between a Subject and his Prince.

100. Again, what Kingdome is there, where meerly Spirituall crimes, as Heresie, Apostasie, Blasphemy, &c. are not punished, by the Law, with some Temporall Punishment, either of Death, or Imprisonment, or Banishment, or Confiscation of goods, or such like? Certain it is, that in *England* there are severall Punishments enacted by the Law against Spirituall crimes, and in matters of Religion, as it appears by so many Penall Laws established against Recusants: yea, whoever is Excommunicated here in *England*, is deprived, according to the Law, of power to plead, or sue another for what is due unto him. So that Protestants, doubtless, are not of opinion, that one cannot be Temporally punished by a meer Spirituall Power, or upon a meer Spirituall account.

101. If

101. If it be objected, "that Temporall Princes have enacted such Laws against Spirituall crimes as prejudiciall to the Temporall Good of their Subjects; or because at least Christian Princes are impowered, by severall Titles allowed them, to defend by their Temporall Forces the Church, and to punish crimes destructive to Faith: I answer, that, according to this Objection, the Pope may deprive one of some Temporall thing, (if nothing else do hinder it,) when it is prejudiciall to the Spirituall Good of Christians: for he is invested also with severall Titles, which enable him to direct the Temporalls of Princes in order to their Spirituall good, or the Spirituall good of their Nation: Because if a meer Temporall Power (such as we onely ascribe to Kings) can extend it self to the Temporall punishment of a meer Spirituall crime, (when it is prejudiciall to the Temporall good, the Judgment of which crime does not belong to the Temporall Court;) why may not a meer Spirituall power (such as we attribute onely to the Pope over all Christendome) enjoin, in certain cases, (if there be not some other obstacle,) a Temporall punishment, or deprive of some Temporall thing, in order to a Spirituall end? the Execution of which punishment, and the Deprivation of which thing, belongs to the Temporall Prince. And so we see, that the Ecclesiasticall Power does, and may justly, in some cases, *invocare auxilium brachii secularis*, (invoke the assistance of the Secular Power,) in order to inflict some Temporall punishment upon the account of some Spirituall crime.

102. Yet farther, The power of Excommunicating (which is meerly Spirituall) may in some cases extend it self to punish meer Civill crimes; as may be made appear by severall instances: why may not therefore, in the like manner, a meer Spirituall power extend it self, in some cases, to inflict a Temporall punishment? And a meer Temporall Power also may, in certain cases, extend it self to punish Ecclesiasticall Princes, who are exempt from the ordinary Civill Jurisdiction: why therefore, on the contrary, may not a meer Spirituall Power extend it self to punish, in some cases, Tempo-
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rall persons, and with Temporall punishments, at least by the Assistance of Civil Magistrates? For Temporalls are not out of the reach of the Spirituall Power, more then Spiritualls are out of the reach of the Temporall Power.

103. Finally, the stoutest Maintainers of the Oath, and the greatest Impugners of the Pope's Power to depose Princes, cannot deny, but that a Subject who is persecuted by his Prince upon the score of his Religion, and is in imminent danger of being perverted, may lawfully flie, and steal away into a forrein Country, according to the ancient practice of *Christ* and his Apostles, and the Primitive Christians, and according to those words of the Gospell, *Cum autem persequerentur vos in civitate ista, fugite in aliam*; and this even against his Prince's expresse prohibition: and his Spirituall Directours may counsell him, or enjoyn him, to doe so: and consequently, such a man may lawfully, in that case, deprive his Prince, upon a meer Spirituall account, (*viz.* the Salvation of his Soul,) of a naturall-born Subject; which belongs to the Temporalties of the Prince. Yea, what Priest or Lay-Catholick is there, even among those who are so hot for the Oath, and against the Pope's Deposing power, pretending thereby to signalize with particularity their Loyalty to the King, who does not transgress, and thinks he may do so lawfully, upon some Spirituall account, severall Civil and Temporall Laws, enacted by the King and Parliament against Popish Recusants; either sending over their Children beyond Seas, against the expresse Laws of the Realm; or tarrying in the Kingdome, against severall Proclamations of His Majesty; or doing many other meer Temporall things prohibited unto Papists by the Law?

104. All which instances, most whereof are granted by our Adversaries, do evidently evince, That Spirituall and Temporall things are not so vastly different, that they cannot, in any case possible, interfere the one with the other: That it is not always unlawfull to deprive one of a Temporall thing upon a meer Spirituall account; and that a meer Spirituall Power may, in some cases, extend it self to Tem-

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porall things: and consequently, That this proof of the fore-mentioned Assertion, viz. that the Pope has not Power to depose Kings in any case possible, is manifestly false, and of no force, whatever the Assertion be in it self. Neither do I say, that, because a Spirituall Power may, in some cases, extend it self to Temporalls, it may therefore Depose Kings; but onely, that it is not a good Reason to prove, that the Pope cannot depose Kings in any case whatsoever, because a meer Spirituall Power can in no case possible extend it self to Temporalls.

105. Another Reason very common among those who defend the Oath, and deny the Pope's Deposing power, is, "Because neither the Unlawfulness of the Oath, nor the Pope's Power to depose Kings, is any Article of Divine Faith. Whence they infer, that one may lawfully take the Oath, and, by consequence, swear positively, that the Pope has no such Power. Now let any one judge, whether this consequence be not manifestly null: Such a thing is no Article of Faith; Therefore we may lawfully swear the contrary. It is no Article of Divine Faith, that His Majesty is King of *Great Britanny*: shall we therefore swear, that He is not? It is no Article of Faith, that the Pope is Sovereign Temporall Prince of *Rome*: and yet neither Protestant nor Catholick will swear, that he is not. The reason is, because a thing may be certain, though no Article of Faith; or at least doubtfull: and one cannot lawfully swear what is false, or doubtfull.

106. And as for our present case; Those who defend the Pope's Power to depose Kings, in some cases, do not unanimously affirm, that it is an Article of Faith, or that it is expressly defined as such by any Generall Council, or by the universall Consent of the Church: but some of them endeavour to prove it out of Scripture, as a meer Theologicall Truth; others deduce it from Prescription; others from a Donation or Agreement made between Catholick Princes; alledging to this purpose that famous Canonick Constitution of the Council of *Lateran* under *Innocent* the Third, assented

ted unto by the Embassadours and Plenipotentiaries of all or most Catholick Princes of those times, present at the Council.

107. At least it does not seem impossible, that Catholick Princes, out of hatred to Heresie, and zeal for the conservation of the Catholick Religion, should make a League among themselves, that if any of them should become an Heretick, and should be declared as such by the Pope, (to whom, as all Catholicks confess, belongs the Authority of Declaring one an Heretick,) it should be lawfull for the rest, in that case, to attacque the Transgressour, and force him by their Arms to recant; and in case of refusall, to prosecute the War till they have Deposed him, and Absolved his Subjects from their Oath of Allegiance. And what is agreed upon so by the common Consent of Princes, cannot be recalled, but by their common Consent. This case (I say) does not seem impossible. Now the Pope in that case, by declaring such a Prince an Heretick, does as it were authorize the rest of the Allies to attacque him; and in case he refuses to recant, to Depose him: though he is not then so properly Deposed by force of the Pope's Declaration, as of the Contract made between those Princes. Suppose that some zealous Protestant should entail his Estate upon his heirs with this Condition, That if any of them should quit the Protestant Religion, and should be declared by the Archbishop of *Canterbury* (whom Protestants acknowledge here in *England* as their Primate) to have quitted Protestantcy, his inheritance should pass to the next heir. Now if the Archbishop should declare in this case, that such an one who possesse that Estate had quitted the Protestant Religion, he would deprive him, or rather declare him deprived of his Estate, though the Archbishop has no Authority, in rigour, to deprive any man of his Estate. And in this case such a man would be deprived of his Estate, rather by force of the Entailment, then of the Archbishop's Declaration.

108. Finally, Protestants do commonly confess, (to return to the main Point,) that the Points wherein they differ

from us, as, *No Purgatory, No Transubstantiation, No Invocation of Saints*, and such like Negatives, are no Articles of Faith; and yet they are far from positively swearing the contrary.

Whence I conclude, that the forementioned Reason of these Authours is manifestly false: For it runs thus. Whosoever any thing is no Article of Faith, the contrary may positively be sworn: But the Pope's Power to depose Kings is no Article of Faith: Therefore we may positively swear, that he has no such Power. The Major Proposition is manifestly false, as has been shewn.

Joan. 18.

109. Another main Argument, which the Defenders of the Oath make a great account of in order to deny the Pope's Deposing power, is, "That our Saviour did not come into the World to deprive other men of their Temporal Dominions, (*Regnum meum non est de hoc mundo*;) and much less to deprive Kings of their Kingdoms, (*Non eripit mortalia, Qui regna dat caelestia.*) Hence they infer, that the Pope has no such Power, for his Power must be immediately derived from *Christ*, whose Vicar he is. To this Argument I answer, First, That it is manifestly false, that the Authority of *Christ* and his Apostles did not extend it self, in some cases, to the Deprivation of Temporals; as has been proved. Secondly, That the Pope and other Bishops have the Temporal Sovereignty of several places, granted unto them by Temporal Princes, or otherwise acquired; though neither our Saviour nor his Apostles had any such Sovereignty. Wherefore this Consequence is null, *Christ* had no such power; Therefore the Pope has it not: and yet in the Oath we are bound to swear, that the Pope has not any Power whatsoever to depose Princes, derived from *Christ*, or any body else. Thirdly, That out of those words of the Scripture, and the Hymn of the Church, is not proved, that our Saviour had no Authority, in some extraordinary case, to deprive Kings of their Dominions. Certain it is, that God has not given me this life to kill my neighbour: yet in some extravagant case, when I cannot otherwise defend my own life, I may lawfully kill him.

him. 'Tis also certain, that His Majesty was not made King of *England*, to take away from other Princes their Dominions : yet He may do it, if otherwise He cannot defend His Subjects. Neither did *Christ* come to damn any one out of his primary intention, but to save all ; as is evident from several places of Scripture : and yet he does, and may justly, condemn men, who will be obstinate, to eternal punishments. In like manner, his primary design in coming into the world was not, to separate a man from his Wife, a Son from his Father, or Brother from his Sister ; for he commands all, especially Relations, to keep union and due correspondence among themselves : and yet 'tis said of him in Scripture, *Non Matt. 10. veni pacem mittere, sed gladium*, I did not come to bring peace, but division, and to make a separation between man and Wife, Father and Son, Brother and Sister, when the Communication with them is destructive to their Salvation : and yet 'tis certain, that Subjects are not more expressly commanded in Scripture to honour their Sovereigns, then Children are commanded to honour their Parents, and Wives to obey their Husbands.

110. If our Adversaries object, That the cases alledged by us here and above, to prove that *Christ* and his Apostles did sometimes exercise their Power over Temporals, or deprive others of some Temporal thing, did proceed, not from an ordinary, but an extraordinary Power ; and by consequence, hence cannot be inferred, that the Pope has any such Power, since he succeeds *Christ*, and his Apostles, in their ordinary Jurisdiction onely : To this I answer, That all the cases at least alledged by us are not such. For the Power to deprive one, by Excommunication, of all Civil conversation, and to separate a man from his Wife, in certain cases, is inherent in the Pope according to his ordinary Jurisdiction. That the forementioned Instances do shew, that though *Christ's* Power upon earth was meerly Spiritual, and his Kingdom was not of this World ; yet he exercised sometimes his Power over Temporals : which was the main intent, for which I alledged those Precedents of *Christ* and his Apostles. Fi-

nally, That it is a very extraordinary case, for Popes to Depose Kings, and even (which is much less) to Excommunicate them; and those who derive the Pope's Deposing power from *Christ*, affirm, that he has received that Power onely for some extraordinary and extravagant cases.

111. And here I cannot but reflect upon these Authours, who impugn the forementioned Power in the Pope. They require their Adversaries to shew out of Scripture the Kingdethroning Power: if they cannot shew it thence, then they triumph, and conclude, that the Pope has no such Power: though that inference be null, as we have insinuated. If they produce out of Scripture several Instances to prove, that *Christ's* and his Apostles Power did extend it self sometimes to Temporals; then they answer, that such cases were extraordinary; and consequently, that they ought not to be brought as proofs of any such Power in the Pope. So that, though *Christ* had exercised never so great Temporal Power, and had Deposed more Kings then ever Popes did depose, or pretend to depose; they might with the same Answer put them all off, saying, that they were extraordinary cases, and proceeded from an extraordinary Jurisdiction.

112. There follows another Reason, of great value among the Impugners of the Pope's Power to depose Kings; and it is, " That there cannot be found in all Antiquity, till *Gregory* the VII. his time, one precedent for any such Power in the Pope; whereas Christians were persecuted as much by Pagan Emperours, as they are or have been persecuted by Heretical Princes: Neither had the ancient Christians less courage or zeal for their Religion, and the conservation thereof, then the modern. But, whatever the opinion of the Pope's Power to depose Kings be, this Reason is not solid. First, Because those who ground the forementioned Power upon Prescription, or an Agreement made between Princes, can easily answer, that in time of the Pagan Emperours there was no such Prescription or Agreement made; and consequently, that it is no wonder, if in their time no such Power was exercised. Secondly, Because, since the Deposition was to be put

put in execution by the help of some Christian Prince, there was not, for a long time, any Christian Prince at all, or any one so powerfull, that could put it in execution: and consequently, the Pope's Sentence, if he had issued forth any against a Pagan Emperour, would upon this account have been insignificant: neither would the Pagan Subjects have taken notice of it; and the Christian Subjects were, many times, so inconsiderable, that had they taken notice of it, or not, it would have been of little concern.

113. Thirdly, Because 'tis no good Argument, Such a Power was not exercised till such a time; Therefore there was no such Power till such a time. The existency of one onely Act does necessarily infer the existency of a Power for it: but the denial of several, yea of all Acts, appertaining to such a Power, though for some long time, does not necessarily infer the denial of such a Power. For a Power, especially to extraordinary cases, may lie *dormant* for a long time. The Power to Excommunicate Princes *nominatim* is certainly derived from *Christ*; and yet we find very few Precedents in ancient times of any such Excommunication. And some have reflected very well, as above we hinted, that there is not one Instance of an Heretical Prince, who was alwaies brought up in Heresy, Excommunicated *nominatim*: and yet even those who deny the Pope any Power to depose Kings, affirm, that he may Excommunicate *nominatim* such Princes.

114. Fourthly, I do not remember to have read, that either *Julian* the *Apostata*, or any of the *Arrian* Kings, were *speciatim* Excommunicated: and yet, sure, there was a Power to Excommunicate them; yea and they deserved it too. Why therefore do these Authours infer, that, because several Kings, who persecuted the Church, were not Deposed, there was no Power to depose them? Such a thing was not done; Therefore it might not lawfully have been done; is no good Consequence. There was no General Council held in the Church for many hundred years after *Christ*, till the First General Council, which was that of *Nice*; though there were

were several Heresies, and many zealous Popes, in those times: shall we therefore conclude, that the Popes had no Authority to call a General Council derived from *Christ*? or shall we alledge the continuance of three hundred years without a General Council, to prove that there is no Power in the Pope to call such a Council? And if a Power could lie dormant, by reason of certain Circumstances, for three hundred years, why not for some years more? So that, because the Popes did not exercise, for many hundred years, a Power to depose Kings, it does not follow, that they were not invested with any such Power.

115. I close up this Point with another Reason, which is, "That the Impugners of the Pope's Deposing power cannot understand, as they will needs persuade us, what difference can be between a *direct* Power and an *indirect* Power: and since they are convinced that the Pope has no *direct* Power to depose Princes, as even *Bellarmino* confesses, they infer, that he neither has an *indirect* Power to doe it. For what matters it, say they, to make the mischief the less, whether one's eyes be beaten out by a *direct* stroke from a Tennis-ball, or by a *Bricol*? In answer to this Difficulty; Nobody denies but that, if a Prince be really Deposed, the effect is the same, whether he was Deposed by a *direct*, or *indirect* Power: and this is all the instance they bring does amount to. For certainly, 'tis harder, more extraordinary, and more skill is required to strike a set mark by *Bricol*, then by a *direct* stroke of a Tennis-ball; and were one to stand the one or the other stroke, sure he would rather stand a *Bricol* then a *direct* stroke. Moreover, there is a vast difference between a *direct* and an *indirect* Power to depose Kings; and so palpable, that (sure) these Authours could not chuse but perceive it. Is there not a great difference between the Power His Majesty has to depose, or recall a Lord-Lieutenant of *Ireland*, and to depose a forrein Prince, when he cannot otherwise defend His Subjects? between the Right every one has to make use of what is his own, and to make use of what belongs to another, in case of extreme necessity? between the

the right one has to cut off his hair, and to cut off his arm, when otherwise the whole body would perish? between the power a man has to put away his Servant, and to put away his Wife, from cohabiting with him, in some extraordinary case? Certainly, such Powers are very different; and as different is a *direct* or *absolute* Power, from an *indirect* or *conditional* Power onely, to depose Princes. The former is inconsistent with the Sovereignty of a Prince, but not the latter. A *direct* and *absolute* Power is easily, often, and many times at the meer pleasure of him that is invested therewith, put in execution: whereas a pure *indirect* Power is seldome reduced to practice, and in some extravagant case onely. Hence I deduce, that the *indirect* Power over Princes, which some attribute to the Pope, is not inconsistent with their Security, nor with the Duty and Respect due unto them. For certainly one Prince may be secure of another Prince; and yet every Prince has an *indirect* Power to depose any other Sovereign, in case it be necessary for the defence of his own Subjects. Any one that walks in the streets may be secure, that I will not take away his life; and yet I have an *indirect* Power to kill him, if he attacks me unjustly, and I cannot otherwise defend my self.

116. And as for the respect due to Princes, Catholick Divines affirm more of the Pope, concerning this Point, (without being therefore charged with Disrespect toward him,) then of meer Temporal Princes. For they openly defend, that should the Pope become an Heretick, *ipso facto* he would cease to be Pope; and should he persist to retain the Papall Dignity, Christian Princes might compell him by force of arms to quit it: and yet they do not assert, that a King, meerly because he becomes an Heretick, *ipso facto* ceases to be King, or that he may be Deposed upon that account onely; since even *Bellarmino* and *Peron* are not of opinion, that a Prince can be Deposed meerly because he is an Heretick, unless moreover he does endeavour to pervert his Subjects. So that one cannot swear positively, neither does the Pope require it of any one, that a King, neither by himself, nor by any Authority derived from his Crown, or otherwise, hath

any Power whatsoever, in any case imaginable, to Depose the Pope, not onely as a Temporal Prince, but also as Pope, or an Ecclesiastical Sovereign, according to what has been insinuated. What wonder is it therefore, that Catholicks should scruple to swear positively, in as ample terms, that the Pope cannot Depose Kings? For, sure, no Catholick will affirm, that Kings have more Power over the Pope, then the Pope over Kings.

117. From what hitherto has been discuss'd in reference to this Point, I conclude, That though the Opinion that denies the Pope to have any Authority to Depose Kings should be true, yet the forementioned Reasons to prove it are manifestly false, or inconclusive; and consequently, the Authority of such Authours, who ground themselves upon those Reasons, as most of our Adversaries do, is void and of no force. Yea, should the aforesaid Reasons prove, that the Pope has not any Power to depose Kings, yet it does not therefore follow, that the Oath may lawfully be taken. For there are many other Difficulties, as we have seen.

118. Concerning *the Example of such Catholicks as have taken the Oath*; Consider, First, whether most of them have not been guided by the Authority of such Writers, as have grounded themselves upon the above-mentioned Reasons; which are palpably false, or insignificant. And if so, whether, as the Authority of such Writers, so the Example of such Catholicks as were guided by them, be of any force. Consider, Secondly, that as there has scarce ever been any Question, which before had been under great debate, and wherein considerable parties were concerned, decided by a General Council, but that some persons, who seemed learned and moral men, either out of ignorance, or obstinacy, have stood out; and yet the Example of such ought not to move us to follow them: So neither has there been any Debate, wherein numerous parties on both sides were engaged, decided by the Pope out of a Council, but that some of those who were condemned, blinded with ignorance, or carried away with obstinacy, have refused to submit; and yet neither ought

ought the Example of such to invite us to imitate them, because they go against an exprefs Order and Declaration of their lawfull Superiour, to whom they had referred the Decision of the matter under debate, and to whose Ordinances they owe at least an Exterieur Obedience.

119. Consider, Thirdly, whether it be not much to be feared, that at least some of those who have taken the Oath, have been carried away with the prospect to some Temporal Interest or Advantage, which did dazzle their eyes. Whether others of them have not of purpose waved the conferring this matter with grave and consciencious men, who were inclined to the contrary, though against their Interest, and are ready to subscribe their Opinion: and whether they have not guided themselves by some Priests, neither more learned, nor more consciencious then the former, nor so many in number, and who refuse to subscribe their Sentiment in this matter; though there does no reason appear, why they should be afraid of any prejudice thereby. And if so, whether such persons, upon this account, may not justly be suspected of some affected ignorance. Whether others have not governed themselves meerly by the Opinion of Lay-men, unvers'd in these Controversies; and not by the Sentiment of Divines or Canonists, to whom the Discussion of these matters onely appertains. Whether others have not consulted one onely part of the Oath, *viz.* concerning the Pope's Power to depose Kings; and being informed that he had no such Power, have presently taken the Oath, without consulting or examining severall other Difficulties contained therein. Whether some of them, being afterwards better informed, do or did not repent that they ever took the Oath. And finally, whether the Precedents of such Catholicks, who are justly presumed to have been governed, in taking the Oath, by some of the fore-mentioned waies, ought to move any prudent and consciencious man, to make so solemn an Act, as is the taking this publick Oath, bringing God or witness of the Truth and Justice of all and every thing he swears therein.

Urban. 8.
Brev. ad reg.
Gall. air,
Juramentum
hoc totius Ec-
clesiæ pietas
exsecratur.
Brev. ad E-
pisc. Chal-
ced. vocat
illud *abortum*
mendacii, &
impietatis
tesseram.
Paul. V. 1.
Brev. air,
Non potestis
absque evi-
dentissima
gravissimâ-
que Divini
honoris inju-
ria obligare
vos hoc jura-
mento.

120. Consider, Fourthly, whether many of those who have taken the Oath, are not ignorant of the several Briefs issued forth by Popes against it : or at least, whether they have seriously pondered them ; the Expressions so weighty, wherewith they declare the Unlawfulness of the Oath ; and the Character they give of such as counsell or teach the contrary ; which certainly is enough to startle any tender Conscience : and whether they can think themselves obedient Sons to their Supreme Pastour and Father, when they disobey his expresse Prohibition, published several times, after so long debate, and so mature deliberation. Finally, whether most of them have not been carried away with the pretended Authority of France for the Lawfulness of the Oath : whereas France never approved, by any Publick Act, the whole Oath as it lies ; nor that part thereof, for which onely the Authority of France is alledged, as it is couched in the Oath.

121. Consider, Lastly, that if what is commonly reported be true, all or most of such Catholicks who have taken the Oath have proceeded upon evident Mistakes. Some of them were induced thereunto, because they thought that the taking this Oath was not *malum in se*, but onely *malum quia prohibitum* ; and that the Popes by their Briefs had made it unlawfull, and *declared* it so : and consequently, that an extraordinary damage, such as they apprehend in the Refusall of the Oath, does excuse them from complying with this, as with other Prohibitions of the same nature. Now this is a manifest Mistake, as has been shewn above. And certainly, to take a false, doubtfull, unjust or unnecessary Oath, is *intrinsecè malum*, or *malum in se*,

122. Others have taken the Oath, making beforehand a publick or private Protestation, that they intended onely to swear thereby a meer Civil Allegiance ; and this way they pretended to secure their Conscience. But in the like manner they might take the Oath of Supremacy, making a Protestation beforehand, that they intended onely thereby to swear, that the King is Protectour of the Church, as all Christian Princes are ; and that to Him, as such, does be-
long

ong to take care, that the Laws established by the Church be observed in His Kingdome; and that the Pope has no Preeminency inconsistent with the aforesaid Obligation of Christian Princes.

123. Moreover, one might, in the same manner, take the Communion of the Protestants, making a Protestation that he takes it onely as meer Bread and Wine, or for his Breakfast; and incense an Idol too, protesting that he does it onely to perfume the room: All which are vast absurdities, as no Catholick can deny. The reason is, because as long as an Action is in it self unlawfull, or as long as it is doubtfull whether it be so or no, no previous Protestation can make it lawfull.

124. In fine, some others of them will needs persuade themselves, that in the Oath is denied onely a *direct* and *absolute* Power, but not an *indirect* and *conditionall* Power in the Pope to depose Kings. But how can this be credible, when both King *James*, who had a great hand in framing the Oath, and all other Authours whatsoever, either Catholicks or Protestants, who have hitherto published Books in defence of the Oath, have unanimously understood, that therein was denied, not onely a *direct*, but an *indirect* Power also in the Pope to depose Princes? And it is not probable, that they would explicate their own Opinion to any disadvantage or prejudice, and make it harder then really it is.

125. Besides, they all impugn *Bellarmino*, as the chief Maintainer of the Pope's Deposing power, and as the greatest Enemy to the Oath; and yet *Bellarmino* as much as any other impugns the Pope's *direct* Power to deprive Princes of their Dominions: and it is not credible, that the Maintainers of the Oath would make themselves more Adversaries then really they were, or make so famous a man as *Bellarmino* their Enemy, in a matter wherein he is their Friend. Moreover, the very cause for which the Oath was framed does contain the deniall of an *indirect* Power. For this Oath was framed to deny the Pope all Power and Authority to depose a

King of *England*, or dispose of his Dominions, or to absolve his Subjects from their Allegiance, even in case such a King should not onely be an Heretick himself, but also force his Subjects to be so, and the Pope could not defend his Flock otherwise then by Deposing him. And what is this, but to deny an *indirect* Power in the Pope to depose Kings? Neither do I think that there is, even amongst Protestants, any Divine or Lawyer, who can deny but that the forementioned Case is comprehended in the Oath.

126. If they say, "That should that Clause of the Oath be understood in the Latitude pretended, even the Protestants themselves, who take it, would be manifest Perjurers. For they would swear, in taking this Oath, that the Pope is not Sovereign Temporall Prince of *Rome*; since every Supreme Temporall Prince has an *indirect* Power to depose any other Sovereign, as above has been expounded. And how is it credible, that Protestants should frame such an Oath, as no body (Protestant or Catholic) could take, without manifestly perjuring himself?"

127. To this I answer, That all Catholicks must confess, that whoever takes the Oath of Supremacy does swear false; and consequently, that those Protestants who framed it, and took it, were manifest Perjurers, and many of them without an invincible ignorance, *viz.* such as denied the Supremacy of the Pope in Spiritualls; as doubtless many of the first Framers of that Oath did. Yea, severall Protestants, and amongst the rest King *James*, acknowledge the Pope to be Patriarch of the West, and that *England* appertains to the Western Patriarchate, and consequently, that the Pope has some *Preeminency* in *England*, in order to Spiritualls; for every Patriarch has some *Preeminency* in his whole Patriarchate: and yet they swear positively, in the Oath of Supremacy, that no Forrein Prelate has, or ought to have, any *Preeminency* within this Realm; and by consequence they swear false, even according to their own Principles.

128. What wonder therefore is it, that Protestants, out of Indignation

dignation towards Catholicks, should frame such an Oath of Allegiance, that even they themselves could not take without being perjured? And the like is to be seen in all Heterodox Countries, where, out of hatred to the true Religion, such things are often required of the Professours thereof, that even the Heterodox Professours themselves cannot lawfully execute. Besides, the Test enacted the last year, 1673. though levelled onely at Catholicks, is notwithstanding such, that others, who are not *Roman* Catholicks, yea Protestants of the *English* Church, cannot comply with, if they understand the Principles of their respective Religions, and will stand to them: as may easily be made appear.

129. 'Tis therefore not to be wondered at, that men out of Passion should over-doe things; and that Protestants, to the end they might be sure to frame such a Test, that *Roman* Catholicks could not take, should frame such an one, and in such generall terms, that they themselves could not comply with: For their mind seems to have been so much bent to consider what *Roman* Catholicks *could not swear*, that they did not reflect what they themselves *could swear*. Wherefore it would not be amiss, when they require us to take either the Oath of Supremacy or Allegiance, or comply with the Test enacted the last year, to shew them that they require of us what they themselves, even according to their own Principles, cannot doe: whereby will easily appear the unreasonableness of their Request. From the premisses hitherto set down, one may justly conclude, that the Example of such Catholicks who have taken the Oath, as grounding themselves upon palpable Mistakes and Misinformations, cannot be a prudent Motive for others to take it, nor a good Argument to shew the Lawfulness thereof.

130. Concerning *the Authority of the ancient Fathers, against the Pope's Power to depose Princes, or to absolve their Subjects from their Allegiance*; Consider, First, that though it should be granted, that the ancient Fathers are against the forementioned Power in the Pope; it does not therefore follow, that they are for this Oath, but onely for one part thereof;

of; neither for that in such a degree, that one may positively swear it. Consider, Secondly, that to prove, that the ancient Fathers and Doctours deny the Pope to have any Power whatsoever, either by himself or by others, to depose Princes, in any case imaginable, 'tis necessary to prove, that they deny the Pope any Power whatsoever, to deprive a Prince of civil Communication with his Subjects, by force of any Excommunication whatsoever: or, in supposition there has been an Agreement made between Catholick Princes, that if any one of them become an Heretick, he should forfeit his Kingdome, or be liable to be deposed by the rest, in case he refuses to recant, to declare any one of such Princes an Heretick, though really he be such: or, in case that a Subject, or Subjects, cannot live under an Hereticall Prince, and Persecutour of the true Church, without imminent danger of being perverted, and consequently is, or are, bound by the Law of God and Nature, to withdraw themselves; to declare, I say, in such a case, that he, or they, are bound to withdraw, and to oblige them to it. For those who assert the Pope's Deposing power, expound it in one of these three ways; which many do not seem to understand. Therefore it would not be amiss to ask them who deny the Pope any Power to depose Princes, what they mean by *a Power to depose Princes*.

131. Consider, Thirdly, whether *Bellarmino*, *Peron*, *Suarez*, and others who assert that Power, do not alledge severall ancient Councils and Fathers for their Opinion: and if so, what reason is there why we should not think, that they, being persons so eminent in Doctrine and Erudition, did not understand them as well as *Withrington*, *Caron*, or *Peter Walsh*; especially, since most of the modern Divines and Canonists, having seen what both parties do produce out of Antiquity in their favour, are for the Affirmative? And had I time, I could lay open the gross Mistakes committed by *Caron* in the quotation of ancient Authours for his Opinion.

132. Consider, Fourthly, whether it would avail a man in a Suit of Law, to pretend, that the ancient Lawyers are on his side, after that the modern Judges and Lawyers, or the far greatest part of them, having heard what he could say for himself, had determined the contrary: And if not, apply the same to our present case.

133. Consider, Fifthly, whether those ancient Fathers, which the Maintainers of the Oath alledge, may not be understood to speak onely of a *direct* Power in the Pope to depose Princes: and if so, whether they can prejudice the Opinion which onely allows him an *indirect* Power. Or, whether they may not be understood to deny onely, that the Pope, as Pope, (for *as such* he has no Temporall Dominions, nor Temporall Sovereignty,) cannot compell any Prince, by his own Temporall Forces, to quit his Kingdome: and if so, the Authority of such Fathers cannot be prejudiciall to the Opinion, which affirms that the Pope, having declared a Prince an Heretick, and a Persecuter of the Church, may invoke the help of Catholick Kings, and authorize them to compell such a Prince, by force of their Arms, to desist from persecuting his Subjects, and, in case of refusall, to Depose him.

134. Consider, Sixthly, whether ancient Fathers are to be alledged for an Opinion, after it has been condemned by the Church, or the Pope, as this Oath severall times has been: as, for instance, whether it be now a sufficient motive to affirm, that Children baptized by Hereticks are to be re-baptized, because St. *Cyprian* was of that Opinion before the contrary was defined.

135. Consider, Lastly, whether it be not the unanimous consent of the ancient Fathers, that we are bound to afford at least an Exterieur Obedience to the Pope's expresse Commands, in matters appertaining unto him, if the Compliance with them be not manifestly Sinfull; as the Forbearance of this Oath (which is the thing onely required of us by the Pope in the above-mentioned Briefs) is not; and whether
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there be not severall things contained in this Oath, the Decision whereof, according to the common Sentiment of the ancient Fathers, does appertain to the Ecclesiasticall Court, whose Head the Pope is.

136. Concerning *the Probability of the Opinion, that asserts the Lawfulness of this Oath*; Consider, First, whether an expresse Declaration or Prohibition of the Church, or Pope, does not render the thing prohibited practically improbable, or the Lawfulness of the practice thereof improbable; though the thing in it self, and prescinding from such a Prohibition, be probably or certainly lawfull. As prescinding from the Prohibition of the Church, 'tis as lawfull to eat flesh upon Fridays as upon any other days of the week: yet this is improbable, practically speaking, supposing such a Prohibition. And if this be so, consider farther, whether, since the Pope (to whose Orders we owe at least an Exteriour Obedience) has prohibited us, by severall Briefs, to take this Oath, it be not practically improbable, that it is lawfull to take it; though we should grant, that the Oath, prescinding from such a Prohibition or Declaration, is in it self, and speculatively speaking, probable: as severall hidden Mysteries of our Faith, prescinding from the Declaration or Definition of the Church, do seem probably otherwise.

137. Consider, Secondly, that it is not probable, nor credible, that the Maintainers of the Oath would have made (as they did) their application to the Pope, to the end he might give sentence of the Lawfulness thereof, and whether it did contain any thing contrary to Faith, or not, had they not been persuaded, that the Decision of these matters did appertain to the Pope. And if so, that it was very ridiculous for them to make any such application to the Pope for the Decision of these matters, or to refer themselves to the Pope's Judgment, if they were resolved not to submit, even exteriorly, to his Judgment, in case he should give sentence against them, as he did: and consequently,

quently, we cannot probably presume they had any such resolution. So that, unless they will condemn their own proceedings in this matter, (which 'tis not probable they will do,) they must needs confess themselves bound to afford at least an Exterious Obedience to the Pope's Briefs concerning this matter, till they be lawfully repealed.

138. Consider, Thirdly, whether the same Exceptions which they make against the Pope's Briefs, and his proceedings in this matter, *viz.* "That he was misinformed; "That the Pope's Briefs are here in *England* of no force, "without the approbation of the King, who, as things "now stand, does acknowledge no Spirituall Power in the "Pope over his Realm, and consequently, will not approve "any thing that comes from him, in order to the direction of "His Subjects, whether favourable, or not favourable unto "him; That the Pope is fallible, and inferiour to a Generall "Council; and other Exceptions mentioned above; whether (I say) the same Exceptions might not have been made by us, in case the Pope had given sentence for them, and against us, and had commanded all to take the Oath, when they should be required thereunto by His Majesty: and whether our Adversaries do think, that such Exceptions, made by us in that case against the Pope's Sentence, could have justified our Refusall of the Oath, or our Disobedience to the Pope's expresse Commands. Or what would they have said of us, should we have persisted still to urge the same Reasons, and the Authority of so many Doctours, against the Lawfulness of the Oath, after it had been declared lawfull by the Pope; and upon that account, and under pretence of Probability, should have still refused the Oath? I am confident, that they will not confess, that such proceedings of ours in that case, though they be the very same which now they make use of, would have been justifiable.

139. Consider, Fourthly, that the Maxime they make so much account of in this great Debate, viz. *In dubiis melior est conditio possidentis*, (In doubtfull matters better is the condition of him that possesses,) and consequently, that no body can be lawfully dispossess'd of what he has, upon a meer probable Opinion, is insignificant in our present case. For it is to be understood, as our Adversaries also understand it, as long onely as the matter under debate has not been decided by a lawfull Judge. Now the Unlawfulness of this Oath, which is the main Point under debate, has been, severall times, decided by the Pope, to whom even our Adversaries refer the Decision of this matter. Neither does the Pope decide, in the above-mentioned Briefs, (as the Opponents would needs suppose,) that he has Authority to depose Kings, which is the thing our Adversaries say is under debate; but onely prohibits us to swear, that he has not any such Authority, or hinders the King from deciding it in his own favour: and every one has right, as long as the thing is under debate between him and another, to hinder his Adversary from deciding it on his side.

140. Consider, Fifthly, whether meer *indirect* Power in the Pope to depose Princes, such as is in every King to depose any other Sovereign, be inconsistent with the Sovereignty of Princes, or whether it does dispossess them actually thereof. If not, then to admit such a Power in the Pope, (as some do,) is not to admit any thing which does actually dispossess Kings of their Temporall Sovereignty.

141. Consider, Sixthly, whether, according to the severall Precedents alledged by such Authours who assert the aforementioned Power in the Pope, and assented unto, as to matters of fact, by their Adversaries, Popes have not exercised such a Power many years agoe: and consequently, whether the Popes have not possession of such a Power, (*just* or not *just* I do not decide:) for one takes possession of a Power by exercising its Acts. So that the
debate

debate which remains, is not, whether the Pope has *Possession* of such a Power, or not; but onely, whether he has a *just Possession* thereof, or onely an *usurp'd*: and consequently, according to the *Maxime* produced by our Adversaries, *In dubiis melior est conditio possidentis*, the Pope ought not to be deprived of such a Power, till the matter be lawfully decided against him. And to oblige men to swear positively that he has no such Power, is, in a certain manner, to deprive him thereof, and to oblige men to swear positively a doubtfull thing.

142. Consider, Lastly, that though it be probable, that one cannot wage war, or deprive any one of what he possesses, upon the account of a meer probable Opinion; whether this be so certain, (since grave Authours are of the contrary sentiment,) that we may positively swear, that no body, who has onely a probable Opinion on his side, can lawfully dispossess another of what actually he has.

143. Concerning *the Interest of those who impugn the Oath*, objected in the last place against us; Consider, First, whether it be not as probable at least, that those who defend the Oath, and deny the Pope all Power whatsoever to depose Princes, are Flatterers of Princes, and Sycophants of Temporall Courts, as that those who are of the contrary perswasion are Flatterers of the Pope, and Sycophants of the Spirituall Court: and whether (morally speaking) it be not impossible, that where the matter under debate is of so vast an extent, as Supremacy in Spiritualls, and Supremacy in Temporalls, there should not be some prospect of Interest, of whatsoever side we be, either from the Pope, if one defends the Negative, that the Oath is not lawfull, or from the King, if one maintains the Affirmative, that it is lawfull: and consequently, whether, were this Exception equitable, one ought to hearken to either side.

144. Consider, Secondly, whether *Roman* Catholicks (His Majestie's Subjects) do not depend more of the King, and Civill Government, in order to their Interest and Preferment, then of the Pope, and *Roman* Court: or whether those who impugn the Oath, may not fear more Damgages from the Civill Government, then those who defend it, from the Ecclesiasticall: or, finally, whether the latter may not hope to obtain greater Advantages from His Majesty by defending the Oath, then the former from his Holiness by impugning it. Those who defend the Oath aim, or may aim, at some particular Privileges, or Exemptions, to be granted them, upon that account, from the Civill Government. Neither do I see what Damgages they can fear from the Pope, by defending the Oath. For though, perhaps, the Pope may Excommunicate some of them upon that score; yet an unjust Excommunication does not any harm: and the Defenders of the Oath are persuaded, that such an Excommunication would be unjust, and not to be taken notice of. On the other side, those *English* Catholicks who impugn the Oath, may fear lest the Penalties be put in execution against them upon that account; which, whether justly, or unjustly executed, do in effect equally prejudice. And what such Catholicks can hope for from the Pope, I see not; since there is no Temporall nor Ecclesiasticall Preferment here in *England* to which, in the present conjuncture of affairs, his Holiness can promote them. And if this be so, then, upon the account of dependency, we ought rather to suspect those who defend the Oath, then those who impugn it.

145. Consider, Thirdly, whether some of those Priests who have shewn themselves most forward to defend the Oath, have not received considerable Pensions, and sums of money, to print their Books relating to this Subject, from Protestant persons of quality, either Clergy-men or Lay-men, or both; and whether they have not been countenanced

tenanced and careſſed by them upon that ſcore. And that this has happened, we can make appear. Moreover, whether they can produce any Precedents of *English* Priests, who have received the like ſumms of money, or incouragement, from the Pope, for oppoſing the Oath. And if not, then, conſidering the event that this Debate has had hitherto, we muſt conclude, that the Defenders of this Oath have got more then the Oppoſers thereof.

146. And here I cannot but reflect upon what is related of ſome of our Proteſtant Prelates, who, being noted that they kept familiar correſpondency with ſome *Roman* Priests, and encouraged them in their deſigns, answered, that they did it to breed a Schiſm among *Roman* Catholicks, thereby the better to deſtroy them. *Prynne*, in his *Canterbury Doom*, pag. 557. ſaies, that Archbiſhop *Lawd*, being accuſed, that he converſed familiarly with ſome Priests, answered, “King *James* had conference with, and extended favours to ſome
“Priests, making good uſe thereof, to ſet them at variance
“among themſelves, and induce them to write one againſt
“another, as *Watſon* and *Preſton*, who wrote divers Books in
“defence of the Oath of Allegiance, and did good ſervice
“therein. Whereupon my Predeceſſour, Archbiſhop *Abbott*,
“granted *Preſton* a kind of Protection under his hand and
“ſeal. *Ibid.* *Lawd* granted alſo *Preſton* a Protection under
his hand. *Fuller*, in his Church-Hiſtory, in the Life of King *James*, ſaies thus: “Doctour *Bancroft* afforded the
“Seculars countenance and maintenance in *London-Houſe*,
“accommodating them with neceſſaries, to write againſt
“their Adverſaries, (*viz.* the *Jesuits*,) hoping that the
“Proteſtants might aſſault the *Romiſh* Cauſe with more ad-
“vantage, when they found a breach made to their hands
“by the others own diſſenſions. Where I cannot but note,
that as concerning the preſent Point we ſpeak of, the Proteſtants countenanced the Priests who defended the Oath, as *Preſton*, the chief among them, and not thoſe Priests who op-
poſed

posed it. Whence appears, that Protestants are of opinion, that the Defenders of the Oath are against the Church of *Rome*, but not the Opposers thereof, since they joyn with the former, and not with the latter; and sure, they would joyn with the Enemies of our Church, according to their opinion, and not with her Friends.

147. Consider, Lastly, that those who are most blamed for opposing the Lawfulness of the Oath are less liable to any suspicion of pretence, or Interest, in this matter, since they are tied by a particular Vow, not to pretend, neither directly nor indirectly, any Preferment or Dignity: besides, they have been particularly prohibited by their General, who resides at *Rome*, under pain of Excommunication, either to preach, or teach, in publick Disputes or Books, that the Pope has any Power to depose Kings: the like Prohibition, for ought I know, being not imposed upon any other Religious Order. And whatsoever heretofore some of them have taught concerning this Subject, 'tis certain, what *Henry* the Fourth of *France* justified in a publick Speech, that they taught nothing in this matter, which is not still taught, and has been taught before their Society was in the world, by several Learned men of other Orders.

I have proposed these Considerations for the Satisfaction of such Catholicks who have a desire to be informed concerning the Lawfulness or Unlawfulness of this Oath, to the end, that having perused them over, they may proceed, in a matter of so great concernment, with due consideration. For I have endeavoured to couch, in this short Discourse, the main Arguments on both sides. I believe that Consciencious Catholicks, who shall be pleased to peruse seriously the forementioned Considerations, will have at least some rational Reluctancy to take the

the Oath, as it lies; which is enough to render the taking thereof unlawfull; since such as take it do swear, that they doe it *heartily*, that is, without any Reluctancy of mind, but rather with a Propension and Inclination to take it: which certainly no body can lawfully swear, who feels a Reluctancy of mind to any part of the Oath.

And to summe up the whole Substance of this Treatise: Since it is certain, (neither do our Adversaries deny it,) that it belongs to the Pope, to decide whether this Oath be unlawfull or not; Since the Pope has determined severall times, that it is unlawfull, and has prohibited the taking thereof, as all do confesse; Since what our Adversaries still urge, for the Lawfulnessse of this Oath in it self, has been long since proposed to the Pope, and does concern the very thing, for the Decision whereof even they refer themselves to the Pope's Judgment, with resolution to stand to his Determination, otherwise why should they refer it to him? Since, finally, all the Exceptions our Adversaries make against the Briefs, and the Proceedings of the Pope in framing of them, are frivolous, and such as would vacate (were they of any force) all Briefs whatsoever, issued forth by Popes, and which even they themselves would not have allowed us to make, in case the Pope had given the contrary Sentence; Since (I say) all this is so, as does manifestly appear, by what has hitherto

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therto been set down: I conclude, That our Adversaries are destitute of all rationall Motives, whereby to justify their Disobedience to the forementioned Briefs; and that nothing but Ignorance or Obstinacy can move them to stand out.

THE END.

